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*Zoe Delafosse
9th Grade*

School children's artwork is used to decorate the front cover and blank filler pages of the *Texas Register*. Teachers throughout the state submit the drawings for students in grades K-12. The drawings dress up the otherwise gray pages of the *Texas Register* and introduce students to this obscure but important facet of state government.

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THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Proclamation 41-3069

TO ALL TO WHOM THESE PRESENTS SHALL COME:

The events this week on the campus of Virginia Tech University in Blacksburg, Virginia, have overwhelmed a compassionate and caring nation. The people of Texas have shared in the shock and grief caused by this tragedy. It reminds us how fragile life can be.

Though our hearts are heavy with sorrow, we find hope in the stories of courage and bravery that have emerged in the aftermath. Students placed themselves in harm's way to protect fellow students. Professors laid down their lives to protect their students. Emergency responders raced into buildings without reservation. We are taught that a man has no greater love than to lay down his life for his friends. And so they did.

To help the healing process, the governor of the Commonwealth of Virginia has declared a statewide Day of Mourning in Virginia on Friday, April 20, 2007. The commemoration will conclude with a bell-ringing ceremony at noon Eastern Time to honor the victims claimed on that sorrowful day.

I encourage all Texans to join with the people of Virginia in this Day of Mourning by ringing bells at that same hour in Texas, 11 a.m., Central Time. Perhaps uniting with Virginians hundreds of miles away by ringing bells in our churches and civic buildings, on educational campuses, or even in our homes, we may all join in the healing process as we honor those lives that will be dearly missed.

IN TESTIMONY WHEREOF, I have hereto signed my name and caused the Seal of the State of Texas to be impressed upon this proclamation, this the 19th day of April, 2007, in Austin, Texas.

Rick Perry, Governor

Attested by: Roger Williams, Secretary of State

TRD-200701760



Proclamation 41-3070

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of Texas, do hereby certify that severe storms and flooding on March 29-31, 2007, has caused a disaster in Callahan, Coryell, Eastland, Ellis, Hill, Jack, Lampasas, McLennan and Navarro Counties, in the State of Texas.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby proclaim the existence of such threat and direct that all necessary measures both public and private as authorized under Section 418.015 of the code be implemented to meet that threat.

As provided in section 418.016, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereto signed my name and caused the Seal of the State of Texas to be impressed upon this proclamation, this the 19th day of April, 2007, in Austin, Texas.

Rick Perry, Governor

Attested by: Roger Williams, Secretary of State

TRD-200701765



Proclamation 41-3071

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of Texas, do hereby certify that severe storms and tornadoes on April 24, 2007, have caused a disaster in Maverick County, in the State of Texas.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby proclaim the existence of such threat and direct that all necessary measures both public and private as authorized under Section 418.015 of the code be implemented to meet that threat.

As provided in section 418.016, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 25th day of April, 2007.

Rick Perry, Governor

Attested by: Roger Williams, Secretary of State

TRD-200701761



Proclamation 41-3072

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of Texas, do hereby certify that severe storms and tornadoes on April 21, 2007, have caused a disaster in Moore and Swisher Counties, in the State of Texas.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby proclaim the existence of such threat and direct that all necessary measures both public and private as authorized under Section 418.015 of the code be implemented to meet that threat.

As provided in section 418.016, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 25th day of April, 2007.

Rick Perry, Governor

Attested by: Roger Williams, Secretary of State

TRD-200701764



THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following:
Requests for Opinions, Opinions, Open Records Decisions.

An index to the full text of these documents is available from
the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. For information about pending requests for opinions, telephone 512-463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>.)

Requests for Opinion

RQ-0585-GA

Requestor:

The Honorable John R. Roach
Criminal District Attorney
Collin County Courthouse
210 S. McDonald, Suite 324
McKinney, Texas 75069

Re: Validity of a local bail bond board rule that extends the license expiration dates established by section 1704.162, Local Government Code (RQ-0585-GA)

Briefs requested by June 4, 2007

RQ-0586-GA

Requestor:

The Honorable Rodney Ellis
Chair, Committee on Government Organization
Texas State Senate
Post Office Box 12068
Austin, Texas 78711

Re: Whether a state agency denies "meaningful access" to state services if it fails to provide non-smoking facilities for the sale of lottery tickets by contractors (RQ-0586-GA)

Briefs requested by June 8, 2007

RQ-0587-GA

Requestor:

The Honorable Mike Jackson
Chair, Committee on Nominations
Texas State Senate
Post Office Box 12068
Austin, Texas 78711

Re: Assessment and collection of impact fees for land platted after June 20, 1987 (RQ-0587-GA)

Briefs requested by June 8, 2007

For further information, please access the website at www.oag.state.tx.us or call the Opinion Committee at (512) 463-2110.

TRD-200701785
Stacey Napier
Deputy Attorney General
Office of the Attorney General
Filed: May 9, 2007

Opinions

Opinion No. GA-0544

The Honorable Mike Stafford
Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002

Re: Whether a county medical examiner is authorized to recoup costs incurred when the medical examiner permits a tissue procurement organization to remove tissue using the medical examiner's facility and resources under section 693.002(b), Health and Safety Code (RQ-0545-GA)

S U M M A R Y

A county medical examiner is not authorized to obtain reimbursement from a tissue procurement organization for costs incurred when the medical examiner permits the organization to use the medical examiner's facility and resources to remove tissue under section 693.002(b), Health and Safety Code.

Opinion No. GA-0545

The Honorable James H. Owen
Henderson County Attorney
100 East Tyler Street, Room 100
Athens, Texas 75751

Re: Whether district judges may authorize a county auditor to retain outside legal counsel for the purpose of responding to requests under the Public Information Act (RQ-0550-GA)

S U M M A R Y

The County Attorney of Henderson County has no exclusive duty to represent Henderson County in all civil legal matters. Thus, the County Auditor's retention of outside legal counsel did not improperly impinge on an exclusive duty of the County Attorney. The question as to whether any claim for payment of the legal services was "incurred as provided by law" under section 113.065 of the Local Government Code requires an examination of facts and circumstances that the opinion process cannot address.

For further information, please access the website at www.oag.state.tx.us or call the Opinion Committee at (512) 463-2110.

TRD-200701786
Stacey Napier
Deputy Attorney General
Office of the Attorney General
Filed: May 9, 2007



PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 20. COTTON PEST CONTROL

The Texas Department of Agriculture (the department) proposes amendments to §20.1 concerning definitions and to §20.20 and §20.22 concerning stalk destruction requirements and deadlines. Amendments are proposed to define one term, update definitions of certain terms, divide pest management zone 7 into two areas, and modify the earliest planting dates and dates when cotton may be hostable in pest management zones.

Amendments to §20.1 are proposed to add the term "new crop" and to correct a typographical error. This section is amended to make it consistent with changes proposed in §20.22 and to strengthen enforcement of the program by assuring clear terminology.

Amendments to §20.20 are proposed in response to a request from the Cotton Producer Advisory Committee in Pest Management Zone 7. The proposed change divides Pest Management Zone 7 into two areas with separate deadlines. This section is amended to ensure sufficient time for producers in all parts of Zone 7 to harvest and destroy their cotton. This reduces the need for producers in the northern part of Zone 7 to request extensions of the stalk destruction deadline under normal circumstances, while allowing producers in the southern part of Zone 7 to enforce a stalk destruction deadline appropriate for their area.

The amendments to §20.22 are proposed in response to requests from the Cotton Producer Advisory Committees of Pest Management zones 1, 2 and 9. The proposed amendments promote suppression of boll weevil populations by separating the end of the enforcement period for cotton stalk destruction from the earliest planting date. This allows enforcement to continue in a zone until near the time when current year cotton planted on or after the earliest planting date becomes hostable. The stalk destruction chart at §20.22(a) adds a column for earliest plant date and a column for end date of destruction requirements.

Dr. Robert Crocker, coordinator for pest management and citrus, has determined that for the first five-year period the proposed amendments are in effect, there will be no anticipated fiscal impact for state and local governments as a result of administering or enforcing the rule, as proposed.

Dr. Crocker also has determined that for each year of the first five years the proposed amendments are in effect, the public benefits anticipated as a result of administering and enforcing the sections are increased regulatory efficiency in Pest Management Zone 7 and increased suppression of overwintering popu-

lations of boll weevils and pink bollworms in Pest Management zones 1, 2 and 9. There is no cost anticipated to micro-businesses, small businesses or individuals required to comply with the amendments.

SUBCHAPTER A. GENERAL PROVISIONS

4 TAC §20.1

The amendments to §20.1 are proposed in accordance with the Texas Agriculture Code (the Code), §74.006 which provides the department with the authority to adopt rules as necessary for the effective enforcement and administration of Chapter 74; and the Code, §74.004 which provides the department with the authority to establish regulated areas, dates and appropriate methods of destruction of stalks, other cotton parts and products of host plants for cotton pests.

The code affected by the proposal is the Texas Agriculture Code, Chapter 74.

§20.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) - (8) (No change.)
- (9) Destroyed, or destruction--Killed (including the leaves, stems, flowers, fruit, and roots) or rendered non-hostable ~~[non hostable]~~.
- (10) - (16) (No change.)
- (17) Hostable material--In subchapter A or B, cotton ~~[Cotton]~~ fruiting structures such as buds, squares, flowers or bolls.
- (18) (No change.)
- (19) New crop--Cotton planted on or after the earliest planting date that follows the most recent destruction deadline.
- (20) ~~[(19)]~~ Non-hostable--Refers to cotton in the field that is free of living, normally colored (not wilted or darkened) fruiting structures including buds, squares, flowers, uncracked bolls or unopened bolls.
- (21) ~~[(20)]~~ Oil mill waste--Waste products, including linters, derived from the milling of cottonseed.
- (22) ~~[(21)]~~ Plow--To dislodge or sever the roots of plants in a manner which prevents further growth. Equipment used to accomplish this could include a stalk puller, any type of plow, or similar implement.
- (23) ~~[(22)]~~ Protection plan--A plan developed for the purpose of mitigating, with the goal of preventing, boll weevil infestation and establishment in an area. Mitigating measures may include, but are not limited to, the following:

(A) the field treatment of cotton and cotton products prior to delivery to an area or a gin by an approved insecticide;

(B) requirements for moving, handling, storage and treatment or use of approved insecticide applications to regulated articles; and

(C) monitoring of boll weevils at a specified site(s) as approved by the department.

(24) [(23)] Regrowth cotton--Cotton that has not been completely destroyed in such a way as to absolutely prevent further growth.

(25) [(24)] Restricted Area--An area designated as suppressed, functionally eradicated, or eradicated of boll weevils, as those terms are defined in this section.

(26) [(25)] Seed cotton--All forms of un-ginned cotton from which the seed has not been separated.

(27) [(26)] Stalk puller--An implement which dislodges the roots of cotton plants by pulling up the stalks.

(28) [(27)] Standing stalks--Original, undestroyed cotton plants growing in a field before or after harvesting.

(29) [(28)] Suppressed area--An area in which some boll weevil reproduction may be present in the area or a portion thereof, and in which the movement of regulated articles presents a threat to the success of the boll weevil eradication program. The boll weevil population must be equal to or less than 0.025 boll weevils per trap per week for the cotton-growing season as measured by boll weevil pheromone traps operated by the Texas Boll Weevil Eradication Foundation or other governmental agency.

(30) [(29)] Trap--type of adult boll weevil pheromone trap approved by the Texas Boll Weevil Eradication Foundation.

(31) [(30)] Treatment--The act of eliminating possible cotton pest infestation(s) by means of cleaning, spraying or fumigation to eliminate the infestation.

(32) [(31)] Volunteer cotton--For purposes of this chapter, cotton developing from incidental seeds.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 7, 2007.

TRD-200701758

Dolores Alvarado Hibbs

General Counsel

Texas Department of Agriculture

Earliest possible date of adoption: June 17, 2007

For further information, please call: (512) 463-4075



SUBCHAPTER C. STALK DESTRUCTION PROGRAM

4 TAC §20.20, §20.22

The amendments to §20.20 and §20.22 are proposed in accordance with the Texas Agriculture Code (the Code), §74.006 which provides the department with the authority to adopt rules as necessary for the effective enforcement and administration of

Chapter 74; and the Code, §74.004 which provides the department with the authority to establish regulated areas, dates and appropriate methods of destruction of stalks, other cotton parts and products of host plants for cotton pests.

The code affected by the proposal is the Texas Agriculture Code, Chapter 74.

§20.20. Pest Management Zones.

(a) (No change.)

(b) Zones. Established zones include the following counties:

(1) - (10) (No change.)

(11) Zone 7, Area (1). Anderson, Angelina, [Brazos, Burleson] Cherokee, [Grimes, Hardin,] Houston, [Jasper,] Leon, [Madison, Montgomery,] Nacogdoches, [Newton,] Panola, [Polk, Robertson,] Rusk, Sabine, San Augustine, [San Jacinto,] Shelby and Smith.

(12) Zone 7, Area (2). Brazos, Burleson, Grimes, Hardin, Jasper, Madison, Montgomery, Newton, Polk, Robertson, San Jacinto, Trinity, Tyler and Walker.

(13) [(42)] Zone 8 Area (1). Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, and McLennan.

(14) [(43)] Zone 8 Area (2). Ellis, Henderson, Hood, Johnson, Navarro and Somervell.

(15) [(44)] Zone 9. Pecos, Reeves and Ward.

(16) [(45)] Zone 10. El Paso County and that portion of Hudspeth County bounded by Interstate Highway 10 on the north, the El Paso County line on the west, the Rio Grande River on the south and a line from old Fort Quitman, north along Highway 34 to Interstate 10 on the east.

§20.22. Stalk Destruction Requirements.

(a) Deadlines and methods. All cotton plants in pest management zones 1-8 shall be rendered non-hostable by the stalk destruction dates indicated for the zone. Destruction shall be performed periodically to prevent the presence of fruiting structures. Destruction of all cotton plants shall be accomplished in Zone 9 by shredding and in Zone 10 by shredding and plowing. In Zone 9, destruction shall be performed as necessary to keep cotton non-hostable. In Zone 10, soil must be tilled to a depth of 6 or more inches and destruction shall be performed as necessary to prevent regrowth and volunteer cotton.

Figure: 4 TAC §20.22(a)

(b) - (c) (No change.)

(d) Cotton in a zone must be in compliance with the respective stalk destruction requirements and may not be planted after the stalk destruction deadline until the earliest planting date listed in the table in subsection (a) of this section. [:]

[(1) until February 1 in zones 1 through 8; or]

[(2) until March 25 in zones 9 or 10.]

(e) At the end date of destruction requirements listed in the table in subsection (a) of this section, [Once a new cotton crop is planted in an area on or after the dates set out in subsection (d) of this section, and has emerged] the requirement to destroy original growth, regrowth, or volunteer cotton from the previous crop year shall end. Violations arising in a zone prior to the end date for destruction requirements [emergence date of a new cotton crop planted on or after the dates set out in subsection (d) of this section] will be pursued, but

penalties shall cease to accrue on the end date for destruction requirements [emergence date].

(f) Cotton covered by a noncommercial cotton permit issued by the department shall be exempt from the requirements of this section.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 7, 2007.

TRD-200701759

Dolores Alvarado Hibbs

General Counsel

Texas Department of Agriculture

Earliest possible date of adoption: June 17, 2007

For further information, please call: (512) 463-4075



TITLE 25. HEALTH SERVICES

PART 11. TEXAS CANCER COUNCIL

CHAPTER 704. TEXANS CONQUER CANCER PROGRAM

25 TAC §§704.1, 704.7, 704.11

The Texas Cancer Council proposes amendments to §§704.1, 704.7, and 704.11, concerning the Texans Conquer Cancer Advisory Committee, guidelines for awarding support services funds, and confidentiality of records. The amendments add clarity and definition to the procedure and practice requirements to implement, interpret and/or prescribe the intent of the law that created the Texans Conquer Cancer License Plate Program.

Section 704.1 is being amended to clarify the terms of the Texans Conquer Cancer Advisory Committee members. The original expiration dates are retained in the rule for ease of future reference.

Section 704.7(d)(2) is being amended to conform to the Uniform Grant Management Standards, and clarifies the applicability of the restrictions that the Council previously adopted.

Section 704.7(f) is being amended to reflect the updated version of the application form that must be used for the submission of grant proposals, and ensures greater consistency and objectivity in proposal review.

Section 704.7(h) and (i) are being amended to make the substitution of "proposal" for "application" to more accurately reflect the application process used for Texans Conquer Cancer License Plate Program grants.

Section 704.11 is being amended to update the name of the agency whose guidelines the Texas Cancer Council now uses in regards to confidentiality of records.

Ms. Sandra K. Balderrama, MPA, BSW, the Executive Director of the Texas Cancer Council, has determined that for the first five-year period the rules are in effect there will be no foreseeable implications relating to costs or revenues for state or local government as a result of enforcing or administering the rules.

Ms. Balderrama also has determined that for each year of the first five years the rules are in effect the public benefit antici-

pated as a result of enforcing the rules will be clarification of the policies and procedures the Council will follow to implement the Texas Cancer Plan. There are no anticipated economic costs to persons who are required to comply with the rules as proposed.

Ms. Balderrama has determined that the rules shall not have an effect on small businesses or on micro businesses.

Comments on the proposed rules may be submitted to Ms. Sandra Balderrama, Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711.

The amendments are proposed under the Texas Health and Safety Code Annotated, §102.010 which directs the Council to adopt rules governing the submission and approval of grant requests and the cancellation of grants, and §102.017(c) which directs the Council to establish guidelines for spending the money in the Texans Conquer Cancer Account. These proposed amendments implement Texas Health and Safety Code, §102.017 and §102.018 which create and govern the Texans Conquer Cancer program, account, and advisory committee.

There is no other statute, article or code that is affected by these proposed rules.

§704.1. *Texans Conquer Cancer Advisory Committee.*

(a) - (c) (No change.)

(d) Terms of TCCAC members

(1) The terms of office for each member shall be four years, with the terms of three or four members expiring on January 31st of each odd-numbered year. The term of office of Group A, [~~one group~~] made up of three [~~of the original~~] members ~~expired~~ [~~expires~~] on January 31, 2007. The term of office of Group B [~~the second group~~], consisting of the remaining four [~~original~~] members, will expire on January 31, 2009. Thereafter, the terms of Group A members [~~the three-member group (Group A)~~] and the terms of Group B members [~~the four-member group (Group B)~~] will expire on alternate odd-numbered years, beginning with Group A in 2011, resulting in a four-year term for each group.

(2) - (4) (No change.)

(e) (No change.)

§704.7. *Guidelines for Awarding Support Services Funds.*

(a) - (c) (No change.)

(d) When the amount of funds in the TCCA becomes substantial, a notification of available funds will be published in the *Texas Register*, and the council will issue a Request For Applications (RFA).

(1) (No change.)

(2) Because other resources may cover these costs, funds shall not be used to provide the following unallowable [~~disallowable~~] services, which include but are not limited to:

(A) - (B) (No change.)

(3) Items not listed in paragraphs (1) and (2) of this subsection [~~paragraph (d) of this section~~] are not necessarily allowable.

(e) (No change.)

(f) Application Requirements.

(1) The council adopts by reference an application form entitled "Texans Conquer Cancer Patient Support Services Application (2008 [2006])". This form is available from the council office.

(2) Applicants must follow the format of the "Texans Conquer Cancer Patient Support Services Application (2008 [2006])" form.

(3) (No change.)

(g) (No change.)

(h) Review Process.

(1) (No change.)

(2) The TCCAC will review and evaluate each eligible application [~~proposal~~] using appropriate selection criteria established in the RFA.

(3) All applications [~~proposals~~] that the TCCAC reviews will be submitted to a committee of the council for additional technical review.

(4) - (5) (No change.)

(6) Council members may review an application [~~a proposal~~] in its entirety prior to making a funding decision.

(7) - (8) (No change.)

(i) Approval.

(1) (No change.)

(2) If an applicant's application [~~proposal~~] is approved by the council, grant money will not be disbursed until the grantee signs a contract with the council.

(3) (No change.)

(j) - (k) (No change.)

§704.11. Confidentiality of Records.

Confidentiality of records

(1) (No change.)

(2) As required by §5.04 of the Human Immunodeficiency Virus Services Act, Article 4419b-4, Texas Revised Civil Statutes, a grantee who receives funds for residential or direct client services or programs shall develop and implement guidelines regarding confidentiality of medical information regarding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection.

(A) (No change.)

(B) The guidelines shall be consistent with guidelines published by the Department of State Health Services [~~Texas Department of Health~~] and with state and federal regulations.

(C) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 4, 2007.

TRD-200701748

Sandra Balderrama

Executive Director

Texas Cancer Council

Earliest possible date of adoption: June 17, 2007

For further information, please call: (512) 438-3029



PART 15. COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE

CHAPTER 1051. RULES

25 TAC §1051.1

The Texas Council on Cardiovascular Disease and Stroke (council) proposes new §1051.1, concerning the conduct of its meetings.

BACKGROUND AND PURPOSE

The new section is necessary to comply with the Health and Safety Code, Chapter 93, §93.012, which requires the council to adopt rules for the conduct of its meetings. The new section outlines the council's organization and rules of conduct for meetings.

SECTION-BY-SECTION SUMMARY

In accordance with Health and Safety Code, Chapter 93, new §1051.1 defines the council's officers and their duties, meetings, quorums, and its voting membership.

FISCAL NOTE

Casey Blass, Manager of Disease, Prevention, and Intervention Section of the Department of State Health Services, has determined that for each year of the first five-year period that the section will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the section as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Mr. Blass has also determined that there will be no effect on small businesses or micro-businesses required to comply with the section as proposed. This was determined by interpretation of the rule that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the section. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Mr. Blass has also determined that for each year of the first five years the section is in effect, the public will benefit from adoption of the section, which provides the public with a clear understanding of the council's voting membership. It is anticipated that administering the section as proposed will generate interest in council meetings through a clarification of the conduct of the meetings and provide improved understanding of cardiovascular disease and stroke.

PUBLIC COMMENT

Comments on the proposal may be submitted to Jennifer Smith, Manager, Department of State Health Services, Disease Prevention and Intervention, Adult Health and Chronic Disease Group, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7111, extension 2209, or by e-mail to Jennifer.Smith@dshs.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

STATUTORY AUTHORITY

The proposed new section is authorized by Health and Safety Code, Chapter 93, §93.012, which requires the council to adopt rules for the conduct of its meetings.

The proposed new section affects the Health and Safety Code, Chapter 93.

§1051.1. Conduct of Meetings.

(a) Applicable law. The Texas Council on Cardiovascular Disease and Stroke is created by Health and Safety Code, Chapter 93.

(b) Officers and their duties.

(1) The governor shall designate a member of the council as the presiding officer of the council to serve in that capacity at the will of the governor.

(2) The presiding officer shall preside at all council meetings at which he or she is in attendance, call meetings in accordance with this section, assist in the preparation of the agenda, appoint subcommittees or workgroups of the council as necessary and with council consensus, cause proper reports to be made to the governor, lieutenant governor and speaker of the house and serve as spokesperson for the council. The presiding officer may serve as an ex-officio member of any subcommittee or workgroup of the council. The presiding officer may invite guests or speakers.

(3) The members of the council shall elect a vice-chairman each year.

(4) The vice-chairman shall perform the duties of the presiding officer in the absence or disability of the presiding officer. Should the office of the presiding officer become vacant, the vice-chairman shall serve until a successor is appointed.

(c) Meetings.

(1) The council shall meet at least quarterly. A meeting may be called with the agreement of Department of State Health Services staff and the presiding officer.

(2) Each meeting of the council shall be announced and conducted in accordance with the Open Meetings Act, Government Code, Chapter 551.

(3) A simple majority of the members of the council shall constitute a quorum for the purpose of transacting official business.

(4) The council is authorized to transact official business only when in a legally constituted meeting with a quorum present.

(5) Roberts Rules of Order, Newly Revised, shall be the basis of parliamentary decisions except where otherwise provided by law or rule.

(6) Any action taken by the council must be approved by a majority vote of the public members present once quorum is established. Each public member shall have one vote. A public member may not authorize another individual to represent the member by proxy.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 7, 2007.

TRD-200701762

Michael M. Hawkins, M.D.

Chair

Council on Cardiovascular Disease and Stroke

Earliest possible date of adoption: June 17, 2007

For further information, please call: (512) 458-7111 x6972



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 2. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES

CHAPTER 106. DIVISION FOR BLIND SERVICES

SUBCHAPTER I. BLIND CHILDREN'S VOCATIONAL DISCOVERY AND DEVELOPMENT PROGRAM

DIVISION 1. GENERAL INFORMATION

40 TAC §106.1405

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Department of Assistive and Rehabilitative Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Health and Human Services Commission proposes amendments to the rules of the Department of Assistive and Rehabilitative Services, Title 40, Part 2, Chapter 106, concerning Blind Services. This proposal repeals Chapter 106, Subchapter I, Blind Children's Vocational Discovery and Development Program, Division 1, §106.1405, concerning Remedy of Dissatisfaction.

The repeal is proposed to clarify and update program rules from the former Texas Commission for the Blind, which was consolidated into the Department of Assistive and Rehabilitative Services in 2004, into rule applicable to programs now administered by the Division for Blind Services, Department of Assistive and Rehabilitative Services, as provided by House Bill 2292, 78th Legislature, Regular Session.

Elsewhere in this issue of the *Texas Register*, the Department of Assistive and Rehabilitative Services contemporaneously withdraws the proposed amendment to §106.1405, Remedy of Dissatisfaction, which appeared in the May 11, 2007, issue of the *Texas Register* (32 TexReg 2592).

Bill Wheeler, Chief Financial Officer, Department of Assistive and Rehabilitative Services, estimates that for each year of the first five years that the rule will be in effect, there will be no material fiscal implications for state or local government.

Mr. Wheeler also estimates that for each year of the first five years the rule will be in effect, the public benefit anticipated as a result of adopting the proposed repeal will be the agency's compliance with House Bill 2292, 78th Legislature, Regular Session, and other existing provisions of law pertaining to provision of health and human services in Texas. There should be no material economic cost to persons who are required to comply with the rules as proposed. There should be no material effect to small or micro businesses. In accordance with Government Code §2001.022, the Health and Human Services Commission has determined that the proposed rule change will not affect a local economy.

Comments on the proposal may be submitted to Barbara Lazard, Assistant General Counsel, Department of Assistive and Rehabilitative Services, 4800 North Lamar Boulevard, Suite 300, Austin, Texas 78756-3178.

The repeal is proposed under the Government Code, Chapter 531, §531.0055(e), which provides the Executive Commissioner of the Health and Human Services Commission with the authority

to promulgate rules for the operation and provision of health and human services by health and human services agencies.

No other statute, article, or code is affected by this proposal.

§106.1405. Remedy of Dissatisfaction.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 7, 2007.

TRD-200701751

Sylvia F. Hardman

General Counsel

Department of Assistive and Rehabilitative Services

Earliest possible date of adoption: June 17, 2007

For further information, please call: (512) 424-4050

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WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 16. ECONOMIC REGULATION

PART 8. TEXAS RACING COMMISSION

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER B. POWERS AND DUTIES OF THE COMMISSION

16 TAC §303.42

The Texas Racing Commission withdraws the proposed amendments to §303.42 which appeared in the November 3, 2006, issue of the *Texas Register* (31 TexReg 8955).

Filed with the Office of the Secretary of State on May 3, 2007.

TRD-200701738

Mark Fenner

General Counsel

Texas Racing Commission

Effective date: May 3, 2007

For further information, please call: (512) 490-4009



TITLE 22. EXAMINING BOARDS

PART 29. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

CHAPTER 661. GENERAL RULES OF PROCEDURES AND PRACTICES

SUBCHAPTER D. APPLICATIONS, EXAMINATIONS, AND LICENSING

22 TAC §661.46

Proposed amended §661.46, published in the November 3, 2006, issue of the *Texas Register* (31 TexReg 8958), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Filed with the Office of the Secretary of State on May 4, 2007.

TRD-200701745



CHAPTER 663. STANDARDS OF RESPONSIBILITY AND RULES OF CONDUCT

SUBCHAPTER A. ETHICAL STANDARDS

22 TAC §663.10

Proposed amended §663.10, published in the November 3, 2006, issue of the *Texas Register* (31 TexReg 8958), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Filed with the Office of the Secretary of State on May 4, 2007.

TRD-200701746



SUBCHAPTER B. PROFESSIONAL AND TECHNICAL STANDARDS

22 TAC §663.17

Proposed amended §663.17, published in the November 3, 2006, issue of the *Texas Register* (31 TexReg 8959), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Filed with the Office of the Secretary of State on May 4, 2007.

TRD-200701747



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 2. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES

CHAPTER 106. DIVISION FOR BLIND SERVICES

SUBCHAPTER I. BLIND CHILDREN'S VOCATIONAL DISCOVERY AND DEVELOPMENT PROGRAM

DIVISION 1. GENERAL INFORMATION

40 TAC §106.1405

The Texas Health and Human Services Commission, Department of Assistive and Rehabilitative Services withdraws the proposed amendment to §106.1405, concerning Remedy of Dissatisfaction, which appeared in the May 11, 2007, issue of the *Texas Register* (32 TexReg 2592).

Elsewhere in this issue of the *Texas Register*, the Department of Assistive and Rehabilitative Services contemporaneously proposes the repeal of §106.1405, Remedy of Dissatisfaction.

Filed with the Office of the Secretary of State on May 7, 2007.

TRD-200701752

Sylvia F. Hardman

General Counsel

Department of Assistive and Rehabilitative Services

Effective date: May 7, 2007

For further information, please call: (512) 424-4050



ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text as published in the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 16. ECONOMIC REGULATION

PART 8. TEXAS RACING COMMISSION

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER A. ORGANIZATION OF THE COMMISSION

16 TAC §303.4

The Texas Racing Commission (commission) adopts an amendment to 16 TAC §303.4, relating to the conduct of commission meetings. The amendment was published in the November 3, 2006, issue of the *Texas Register* (31 TexReg 8954), in conjunction with the commission's review of 16 TAC Part 8, Chapter 303, General Provisions, in accordance with Government Code §2001.039. The amendment is adopted without changes to the proposal as published.

The change to §303.4 clarifies that the public is invited to comment at commission meetings on any agenda item or issue that is under the jurisdiction of the commission.

No comments were received on the proposed rule amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02 and §3.021, which authorize the commission to make rules relating to all aspects of greyhound and horse racing, and §2.11, which requires the commission, by rule, to develop and implement policies that provide the public a reasonable opportunity to appear before the commission and speak on any issue under the jurisdiction of the commission.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 3, 2007.

TRD-200701734

Mark Fenner

General Counsel

Texas Racing Commission

Effective date: May 23, 2007

Proposal publication date: November 3, 2006

For further information, please call: (512) 490-4009



SUBCHAPTER B. POWERS AND DUTIES OF THE COMMISSION

16 TAC §303.31

The Texas Racing Commission (commission) adopts an amendment to 16 TAC §303.31, relating to the extent of the commission's regulatory authority. The amendment was published in the November 3, 2006, issue of the *Texas Register* (31 TexReg 8954), in conjunction with the commission's review of 16 TAC Part 8, Chapter 303, General Provisions, in accordance with Government Code §2001.039. The amendment is adopted without changes to the proposal as published.

The change to §303.31 clarifies that the commission's authority to regulate race meetings extends to both live and simulcast race meetings. This change will be consistent with current agency practice.

No comments were received on the proposed rule amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02 and §3.021, which authorize the commission to make rules relating to all aspects of greyhound and horse racing, and §11.01, which authorizes the commission to adopt rules to regulate pari-mutuel wagering on horse and greyhound races.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 3, 2007.

TRD-200701735

Mark Fenner

General Counsel

Texas Racing Commission

Effective date: May 23, 2007

Proposal publication date: November 3, 2006

For further information, please call: (512) 490-4009



SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAMS

DIVISION 2. PROGRAM FOR HORSES

16 TAC §303.94

The Texas Racing Commission (commission) adopts an amendment to 16 TAC §303.94 relating to the rules for Arabian breeds under the Texas Bred Incentive Program. The amendment was published in the November 3, 2006, edition of the *Texas Register* (31 TexReg 8955), in conjunction with the commission's review of Title 16 of the Texas Administrative Code, Part 8, Chapter 303, General Provisions, in accordance with Government Code, §2001.039. No comments were received on the rule review or the rule amendment. The amendment is adopted without changes to the proposal as published.

The adopted change to §303.94 is made to reflect the date of the current rules of the Texas Arabian Breeders Association.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02 and §3.021, which authorize the commission to make rules relating to all aspects of greyhound and horse racing, and §9.01, which establishes that the rules of horse breed registries establishing the qualifications of Texas-bred horses are subject to rules adopted by the commission.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 3, 2007.

TRD-200701736

Mark Fenner

General Counsel

Texas Racing Commission

Effective date: May 23, 2007

Proposal publication date: November 3, 2006

For further information, please call: (512) 490-4009



SUBCHAPTER F. LICENSING PERSONS WITH CRIMINAL BACKGROUNDS

16 TAC §303.202

The Texas Racing Commission (Commission) adopts an amendment to 16 TAC §303.202, relating to the types of occupational licenses that the Commission issues and the types of criminal offenses that directly relate to specific occupational licenses. The adopted amendment was published in the November 3, 2006, edition of the *Texas Register* (31 TexReg 8955), in conjunction with the Commission's review of Title 16 of the Texas Administrative Code, Part 8, Chapter 303, General Provisions, in accordance with Government Code, §2001.039. No comments were

received on the rule review or the rule amendment. The amendment is adopted without changes to the proposal as published.

The changes to the adopted rule are limited to changes in the chart following §303.202(c). These changes delete the columns for the obsolete occupational licenses for "Chart Writer" and "Cool-Out." Chart Writers are now licensed as Association Staff. Cool-Outs are now licensed as Grooms at horse racetracks and as Kennel Helpers at greyhound racetracks. In addition, the changes now designate the offense of "Theft" as directly relating to the occupational licenses for Adoption Program Personnel, Announcers, Association Chaplains, and Medical Staff. The adopted changes now also designate the offense of "Felony Driving While Intoxicated" as directly relating to the occupational licenses for Authorized Agents, Entry Clerks, Farrier/Plater/Blacksmith's Assistants, Tattooers, Tooth Floaters, and Veterinarian's Assistants.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02 and §3.021, which authorize the Commission to make rules relating to all aspects of greyhound and horse racing, and §7.04, which provides the grounds on which the Commission may revoke, deny, or suspend a license.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 3, 2007.

TRD-200701737

Mark Fenner

General Counsel

Texas Racing Commission

Effective date: May 23, 2007

Proposal publication date: November 3, 2006

For further information, please call: (512) 490-4009



REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Adopted Rule Reviews

Comptroller of Public Accounts

Title 34, Part 1

The Comptroller of Public Accounts (comptroller) readopts all sections of Texas Administrative Code, Title 34, Part 1, Chapter 3, Subchapter M (relating to Inheritance Tax), without changes. Although inheritance tax is no longer imposed in Texas, there are a number of court cases still active, so the following rules are being readopted to ensure that they remain applicable to those pending cases:

§3.225. Estates for Which a Texas Tax Return Is Required (Date of Death on or after September 1, 1983).

§3.226. Definitions (Date of Death on or after September 1, 1983).

§3.227. Examination Procedures; Tax Computation (Date of Death on or after September 1, 1983).

§3.228. Payment of Tax, Penalty and Interest, Refunds (Date of Death on or after September 1, 1983).

§3.229. Collection Action (Date of Death on or after September 1, 1983).

§3.230. Closing Documents (Date of Death on or after September 1, 1983).

This review was conducted in accordance with Government Code, §2001.039.

The proposed rule review was published in the March 19, 2004, issue of the *Texas Register* (29 TexReg 2927). No comments were received regarding the readoption of these sections. The comptroller has reviewed these sections and determined that the reasons for initially adopting the sections continue to exist.

TRD-200701731

Martin Cherry
General Counsel
Comptroller of Public Accounts
Filed: May 2, 2007



Texas Racing Commission

Title 16, Part 8

The Texas Racing Commission has completed its review of 16 TAC Part 8, Chapter 303, General Provisions, in accordance with Government Code, §2001.039. Notice of the rule review, along with proposed amendments to §§303.4, 303.31, 303.94, and 303.202, was published in the November 3, 2006, issue of the *Texas Register* (31 TexReg 9043). The proposed amendments relate to the conduct of commission meetings, the extent of the commission's regulatory authority, the rules for Arabian breeds under the Texas Bred Incentive Program, the types of occupational licenses that the commission issues, and the types of criminal offenses that directly relate to specific occupational licenses.

The commission received no comments on the rule review or the proposed rule amendments in response to the notice.

The commission has determined that the reasons for initially adopting the chapter continue to exist and readopts the chapter, along with the amendments as published in this issue of the *Texas Register*.

This completes the review of 16 TAC Part 8, Chapter 303.

TRD-200701733
Mark Fenner
General Counsel
Texas Racing Commission
Filed: May 3, 2007



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 4 TAC §20.22(a)

Pest Mgmt Zone	<u>Earliest Planting Date</u>	<u>Destruction Deadline</u>	<u>End Date for Destruction Requirements</u>
1	<u>February 1</u>	September 1	<u>March 1</u>
2 - Area 1	<u>February 1</u>	September 1	<u>March 1</u>
2 - Area 2	<u>February 1</u>	September 1	<u>March 1</u>
2 - Area 3	<u>February 1</u>	September 1	<u>March 1</u>
2 - Area 4	<u>February 1</u>	October 1	<u>March 1</u>
3 - Area 1	<u>February 1</u>	October 1	<u>Emergence of new crop</u>
3 - Area 2	<u>February 1</u>	October 15	<u>Emergence of new crop</u>
3 - Area 3	<u>February 1</u>	October 20	<u>Emergence of new crop</u>
4	<u>February 1</u>	October 10	<u>Emergence of new crop</u>
6	<u>February 1</u>	October 31	<u>Emergence of new crop</u>
[7]		[October 31]	
<u>7 - Area 1</u>	<u>February 1</u>	<u>November 30</u>	<u>Emergence of new crop</u>
<u>7 - Area 2</u>	<u>February 1</u>	<u>October 31</u>	<u>Emergence of new crop</u>
8 - Area 1	<u>February 1</u>	October 31	<u>Emergence of new crop</u>
8 - Area 2	<u>February 1</u>	November 30	<u>Emergence of new crop</u>
9	<u>April 1</u>	March 1	<u>May 1</u>
10	<u>March 25</u>	February 1	<u>March 25</u>

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of the Attorney General

Notice of Settlement of a Texas Solid Waste Disposal Enforcement Action

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act and the Texas Clean Water Act. Before the State may settle a judicial enforcement action, pursuant to the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Acts.

Case Title and Court: Settlement Agreement in State of Texas v. Thomas P. Wood, d/b/a Wood Industries, et al., Cause No. 9216194, 345th Judicial District of Travis County, Texas.

Background: This suit alleges violations of the Texas Solid Waste Disposal and Clean Water Acts at a property outside of San Antonio, Bexar County, Texas. The defendant is Thomas P. Wood, doing business as Wood Industries. The suit seeks injunctive relief, civil penalties, attorney's fees and court costs. The Solid Waste Disposal Act violations are for storage and disposal of solid waste without a permit. The Clean Water Act violations are for storing solid waste in a manner that threatened discharge of waste into waters in the State.

Nature of Settlement: The settlement awards the State a \$250,000 civil penalty, which is deferred until Wood completes the injunctive relief, but only so long as he is complying with the injunction. If Wood fully complies with the injunctive relief, \$200,000 of the civil penalty is forgiven. The settlement also awards \$15,000 in attorney's fees, and payment of this award is deferred until Wood completes the injunctive relief, so long as he is complying with the injunction. Finally, the settlement also awards extensive injunctive relief.

For a complete description of the proposed settlement, the proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgments and written comments on the proposed settlement should be directed to Mary Smith, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0052. Written comments must be received within 30 days of publication of this notice to be considered.

For more information regarding this publication, contact Lauri Saathoff, Agency Liaison, at (512) 463-2096.

TRD-200701757

Stacey Napier

Deputy Attorney General

Office of the Attorney General

Filed: May 7, 2007

◆ ◆ ◆
Coastal Coordination Council

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 501. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of April 27, 2007, through May 3, 2007. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§506.25, 506.32, and 506.41, the public comment period for these activities extends 30 days from the date published on the Coastal Coordination Council web site. The notice was published on the web site on May 9, 2007. The public comment period for these projects will close at 5:00 p.m. on June 8, 2007.

FEDERAL AGENCY ACTIONS:

Applicant: City of Freeport; Location: The project is located on the Old Brazos River in Downtown Freeport, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Old Brazos River, USGS Freeport, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 271930; Northing: 3204437. Project Description: The applicant proposes to install a 6-foot-wide dock perpendicular to the shoreline and extending into the waterway for 140 feet. Dredging would be required along 200 feet of the shoreline and extending 20 feet into the waterway. Approximately 1,000 cubic yards of dredge material would be removed. The dredged material would be hauled to an approved dredge material placement area within the city limits of Freeport. CCC Project No.: 07-0183-F1; Type of Application: U.S.A.C.E. permit application #SWG-2007-231 is being evaluated under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. §403).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action is or is not consistent with the Texas Coastal Management Program goals and policies and whether the action should be referred to the Coastal Coordination Council for review.

Further information on the applications listed above may be obtained from Ms. Tammy Brooks, Consistency Review Coordinator, Coastal Coordination Council, P.O. Box 12873, Austin, Texas 78711-2873, or tammy.brooks@glo.state.tx.us. Comments should be sent to Ms. Brooks at the above address or by fax at (512) 475-0680.

TRD-200701769

Larry L. Laine

Chief Clerk/Deputy Land Commissioner, General Land Office

Coastal Coordination Council

Filed: May 8, 2007
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Notice of National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management Approval of Texas Coastal Coordination Council's Submittal of Program Changes

On July 6, 2006, the Coastal Coordination Council (Council) submitted a comprehensive package of routine program changes to the state Coastal Management Program (CMP) to the Office of Ocean and Coastal Resource Management (OCRM) in the National Oceanic and Atmospheric Administration (NOAA) to obtain NOAA's approval. The Coastal Zone Management Act requires that the Council notify OCRM of any proposed change to Texas' approved CMP (16 U.S.C. §1455(e)(1)). This program change package addressed changes to the CMP since its approval by NOAA in December 1996.

On November 2, 2007, the Council received a letter from NOAA informing it that the changes to 31 Texas Administrative Code (TAC) Part 16 Chapters 501, 503, 504, and 505 were routine program changes and approved the incorporation of those changes as enforceable policies of the Texas CMP. The General Land Office withdrew its submission of program changes for Chapter 506 because of changes to the federal regulations, 15 C.F.R. part 930, adopted in 2006. A separate submission of the Chapter 506 amendments will be made in the future.

The changes to Council rules approved by NOAA covered the period of January 1997 through October 2004. These rule changes may be found in 31 TAC Chapters 501, 503, 504, 505, & 506. The program change package also included an amended Memorandum of Agreement between the Council and the U.S. Army Corps of Engineers, which was part of the CMP approved by NOAA, in Appendix E1 of the Texas CMP Final Environmental Impact Statement, August 1996.

The program changes addressed several categories: Program Administration and Council Procedures (various sections in 31 TAC Chapters 501, 505 and 506); CMP Boundary (§§501.3(b)(5) and 503.1); Permitting Assistance Program (Chapter 504); Natural Resource Damage Assessment Restoration Plans (§§506.12(a)(1)(F)(ii) and 506.20(c)); Total Maximum Daily Loads (§501.21(a)(4) & §506.12(a)(2)(A)(iv)); Shore Protection Projects (§501.26); and Federal Consistency Requirements (various sections in Chapter 506).

No new enforceable policies were added to the CMP with these program changes. However, the following two policies were amended: Discharge of Municipal and Industrial Wastewater to Coastal Waters (31 TAC §501.21) and Construction in the Beach/Dune System (31 TAC §501.26).

The program change package and the FEIS, as well as information concerning the Council and its duties, may be found on the Texas General Land Office website at <http://www.glo.state.tx.us/coastal/cc.html>. To receive a copy of the program change package, please send a written request to Ms. Deborah Cantu, Texas Register Liaison, Texas General Land Office, P.O. Box 12873, Austin, Texas 78711-2873, deborah.cantu@glo.state.tx.us, facsimile (512) 463-6311. A copy of the OCRM letter informing the Council of approval of the TAC amendments as routine program changes may be obtained by contacting Mr. Ben Rhame, Coastal Resources Division, Texas General Land Office, P.O. Box 12873, Austin, Texas 78711-2873, ben.rhame@glo.state.tx.us.

TRD-200701768

Larry L. Laine

Chief Clerk/Deputy Commissioner

Coastal Coordination Council

Filed: May 8, 2007



Comptroller of Public Accounts

Request for Qualifications - #178c - Independent Examining Services

Pursuant to Senate Bill 1458, 77th Texas Legislature codified in Subchapter A, Chapter 111, §111.0045, Texas Tax Code, the Comptroller of Public Accounts (the Comptroller) issues this Request for Qualifications (RFQ #178c) from qualified independent persons or firms to perform certain services. As a clarification, as used in this RFQ #178c and the Comptroller's rules codified at 34 TAC §3.3, the services under any contracts resulting from this RFQ mean tax compliance examination services; such services do not include any attestation services or rendition of an opinion of any nature by any such contractors.

The Comptroller issued this RFQ #178c by posting it on the Electronic State Business Daily on May 18, 2007, and, by publishing this RFQ #178c in the May 18, 2007, issue of the *Texas Register*. The Comptroller solicits a Statement of Qualifications pursuant to Chapter 2254, Subchapter A, of the Texas Government Code from persons or firms that are interested in contracting with the Comptroller to perform examinations that meet the requirements of Section 111.0045, Texas Tax Code, administrative rules adopted and procedures established by the Comptroller under that statute, and other applicable law. The Comptroller has adopted a rule governing contract examiners as codified at 34 TAC §3.3. Under this RFQ, the Comptroller reserves the right to select and contract with one or more persons or firms to conduct these examinations on an as-needed basis. No minimum amount of examinations or compensation is guaranteed to any selected contractor. This RFQ is subject to and contingent upon appropriations for the contract examination program from the Texas Legislature and the extent thereof for the state biennium beginning September 1, 2007 and ending August 31, 2009.

The Comptroller solicits Statements of Qualifications in response to this RFQ from existing contract examiners as well as qualified persons or firms not currently or previously under contract with the Comptroller. All respondents, including contract examiners selected under previous RFQs must attend Mandatory Orientation conducted by the Comptroller prior to receipt of any examination packages under any contract awarded under this RFQ. The contract term shall be for one year ending August 31, 2008 with (2) two renewal options of (1) one year each exercised (1) one year at a time.

By this contract examination program, the Comptroller intends to increase the number of examinations of taxpayers. The Comptroller has implemented a program to contract with interested persons and firms that meet the following minimum qualifications and other reasonable qualifications established by the Comptroller consistent with Section 111.0045, Texas Tax Code the Comptroller's administrative rules and procedures and other applicable law.

The Comptroller will accept Statements of Qualifications in response to this RFQ from firms and individuals that have the following minimum qualifications:

- (i) a bachelor's degree from an accredited senior college or university with a minimum of twenty-four (24) hours of accounting, including six (6) hours of intermediate accounting and three hours of auditing; and
- (ii) one (1) year of experience in Texas tax auditing, accounting, or other Texas tax services.

For state fiscal year 2008 beginning September 1, 2007, the Comptroller will select, in its sole discretion, those qualified contract examiners to perform examinations on an as-needed and as-assigned basis that the Comptroller identifies as appropriate for inclusion in such contracts. At the time of assignment, the Comptroller will provide selected con-

tract examiners with a preliminary examination package containing the identity and requisite information for each taxpayer that will be examined under the contract. The contracts will provide for one or more awards of not to exceed \$180,000 firm fixed price payment to the examiner upon successful completion of the assigned examinations (final examination package) and the Comptroller's written acceptance of the examination report and other contract deliverables, including workpapers. Awards shall be based on the qualifications of the examiners proposed in the Statement of Qualifications submitted. Individual examiners submitting Statements of Qualification who have no other examiner employees shall be considered, in the Comptroller's sole discretion, for one (1) \$60,000, \$75,000, \$90,000, or \$120,000 award and individual examiners with at least one (1) employee examiner. Firms in the form of any business entity that may lawfully perform examinations and which have two (2) or more examiners may be considered, in the Comptroller's sole discretion, for multiple awards per firm of \$60,000, \$75,000 or \$90,000 not to exceed \$180,000 per fiscal year during the Contract term. Barring unforeseen circumstances only one (1) round of awards will be made at the beginning of the one (1) year initial contract term; however, the Comptroller reserves the right, in its sole discretion, to make additional awards during the one (1) year initial contract term. The Comptroller reserves the right, in its sole discretion, to reallocate, after their initial assignment, examination packages among contract examiners based on the Contractor's substantial performance or non-performance under the Contract terms so as to increase or decrease the number of examinations assigned to a particular contract examiner. Payment will be made in accordance with the terms of the Contract. Each Contract will require the examiner to perform and complete the examinations, including the examination reports, for a group of taxpayers that, based on historical examination completion data, should require about 1280 person hours of work for each \$60,000 amount to complete at the rate of \$46.88 per hour. Examiners will be paid for assigned work completed to date in \$10,000 increments (except the last payment, if applicable) upon completion of a set number of the examinations assigned as determined by the Comptroller and, upon submission to and acceptance by the Comptroller as provided in the Agreement.

In performing assigned examinations and for the contracted lump sum payments, selected contract examiners will complete all work necessary to identify the correct amount of tax that should have been reported by each taxpayer and provide the Comptroller with the data and other information necessary to support any assessment of tax or refund of tax that results from the examination report. Selected contract examiners will also provide any time reports and other written documentation required by the Comptroller. The Comptroller will not make any payments in advance.

Under this RFQ, the maximum contract amount paid to any individual examiner without additional examiner employees, an individual examiner with additional examiner employees or a firm with multiple examiners will not exceed \$180,000.00 for the FY 2008.

Selected contract examiners must complete all work and submit all examination reports, workpapers and other deliverables no later than required under the terms of the proposed Agreement.

Selected contract examiners must meet professional conflict of interest standards and other standards established by the Comptroller to ensure the independence of each assigned examination.

Regarding prior employment with the Comptroller, the following provisions shall apply in determining eligibility for contract awards, if any, resulting from this RFQ:

Section 2252.901, Texas Government Code reads as follows: "(a) A state agency may not enter into an employment contract, a professional

services contract under Chapter 2254, or a consulting services contract under Chapter 2254 with a former or retired employee of the agency before the first anniversary of the last date on which the individual was employed by the agency, if appropriated money will be used to make payments under the Agreement. This section does not prohibit an agency from entering into a professional services contract with a corporation, firm, or other business entity that employs a former or retired employee of the agency within one year of the employee's leaving the agency, provided that the former or retired employee does not perform services on projects for the corporation, firm, or other business entity that the employee worked on while employed by the agency."

It is the Comptroller's policy that an individual employed by the Comptroller during the last twelve (12) months may not provide services under the Contract as individual or employee of Contractor or another Contractor and may not receive any compensation under the Contract. The twelve (12) month period is measured from the date of separation from Comptroller employment until the date responses to this RFQ are due as stated on Page 4 of the RFQ.

Section 572.054, Texas Govt Code, reads in pertinent part as follows: "b) A former state officer or employee of a regulatory agency who ceases service or employment with that agency on or after January 1, 1992, may not represent any person or receive compensation for services rendered on behalf of any person regarding a particular matter in which the former officer or employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the officer's or employee's official responsibility. (c) Subsection (b) applies only to: (1) a state officer of a regulatory agency; or (2) a state employee of a regulatory agency who is compensated, as of the last date of state employment, at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule, including an employee who is exempt from the state's position classification plan."

This §572.054(b) prohibition against working on matters that the former employee participated in while employed by the Comptroller applies without limitation to any such past actions by the employee even if longer than twelve (12) months, if the employee's compensation exceeded \$33,000 annually while employed by the Comptroller at any time during that employee's employment with the Comptroller. Again, it is the Comptroller's policy interpretation that "matter" includes specific examinations of taxpayers.

Time is of the essence in implementation of this program. Respondents to this RFQ must be available to begin accepting assignments no later than September 4, 2007 upon completion of orientation or other timelines established by the Comptroller for such implementation. The Comptroller anticipates awarding multiple master Agreements as a result of this RFQ and will not entertain negotiation of the basic terms and conditions. All respondents will be offered the same master contract terms and conditions. Respondents should not respond to this RFQ if they cannot agree to the terms and conditions of the sample Agreement. Any resulting Agreements are non-exclusive and the Comptroller may issue additional solicitations for the contracted services at any time. The Comptroller is not obligated to assign any examinations to recipients of master contract awards.

Questions; Proposed Contract: Questions concerning this RFQ must be in writing and submitted via hand delivery, facsimile, or E-mail no later than June 1, 2007, 2:00 pm, Central Zone Time (CZT) to Thomas H. Hill, Assistant General Counsel, Contracts, General Counsel Division, Comptroller of Public Accounts, 111 E. 17th St., ROOM G-24, Austin, Texas 78774, telephone number: (512) 305-8673, facsimile (512) 475-0973, (512) 463-3669 or E-mail at contracts@cpa.state.tx.us. The Comptroller's official response to

questions received by this deadline will be posted as an addendum to the Electronic State Business Daily notice as soon as possible after receipt; the Comptroller expects to post these official responses no later than June 8, 2007 or as soon thereafter as practicable. Respondents should note that the Official Response to Questions may contain information modifying the terms and conditions of the RFQ, revising or amending the RFQ and/or other documents attached to the RFQ. For these reasons, respondents should carefully review and consider the Official Response to Questions, amendments or modifications before submitting their Statements of Qualification. A copy of the sample master contract, the standard form Respondent Questionnaire described below, mandatory Execution of Statement of Qualifications Form, Required Checklist for Statements of Qualification, and other required documents are all attached to this RFQ for reference and use by respondents.

Closing Date: An original with original ink signatures on each document within the Statement of Qualifications requiring signatures and ten (10) hard copies of each Statement of Qualifications clearly marked as copies must be overnighted or hand delivered to and received in the Office of the Assistant General Counsel, Contracts, at the address specified above no later than 2:00 p.m. (CZT), on Friday, June 22, 2007. Statements of Qualifications received after this time and date will not be considered. No Statements of Qualification will be accepted in any other format or media other than hard copy. Respondents shall be solely responsible for confirming the timely receipt of Statements of Qualifications.

Content: Statements of Qualifications must include all of the following information in order to be considered:

1. Checklist in format of Exhibit G to this RFQ as posted on the addenda to the Electronic State Business Daily notice of issuance of this RFQ;
2. Transmittal letter that
 - (a) describes specific experience and qualifications of both the firm and each individual in the conduct of state tax examinations; and
 - (b) outlines the respondent's understanding of §111.0045, Texas Tax Code, other relevant provisions of the Texas Tax Code and other related enabling legislation related to conduct of these examinations on an as needed basis;
3. Respondent Identifying Information. The respondent must provide the following identifying information: a. name and address of the individual or business entity submitting the proposal; b. names of all principals; c. type of business entity (i.e. sole proprietorship, corporation, partnership, limited liability company, etc); d. state of incorporation or organization and principal place of business (attach copies of articles or other certificates showing official approval by the pertinent governmental entity); e. name and location of each local examination facility that relates to the respondent's performance under this RFQ; f. name, address, business and home telephone number, fax number, cell phone number, and e-mail address of the respondent's principal contact person regarding the Contract; g. the respondent's Federal Employer Identification Number and Texas Tax Identification/Registration Number, if any; h. full name and address, telephone number, fax number, cell phone number and e-mail address for each shareholder, member, partner, and employee of the respondent who will perform services on the Contract; i. detail any firm ownership changes which have occurred in the last three years. Are any changes pending? j. detail any joint ventures or affiliations.
4. Respondent Questionnaire Exhibit A to the RFQ for each individual who will be involved in the project. The Respondent Questionnaire must be on the form contained on the addenda to the Electronic State

Business Daily notice of issuance of this RFQ. This response to the RFQ must disclose all personnel who will perform professional services under the terms of the Master Agreement. Respondent understands only those persons disclosed by the Respondent Questionnaire will be admitted to the required orientation classes. This provision will be strictly enforced. All information on the Respondent Questionnaire form must be fully filled out and complete in all respects. Evaluation of respondents will be based in part on the information on this form and it is vitally important that the information be fully complete and accurate. Failure to submit a complete, separate, and signed Respondent Questionnaire detailing all courses, dates, and subject of courses by each person who applies to perform examination services may result in disqualification of the Statement of Qualifications;

5. A sample Examination Plan providing a list of the examination procedures and resources that will be utilized to conduct these examinations on an as needed basis if selected by the Comptroller. The Examination plan should list or describe the actual procedures to be used in sufficient detail so as to demonstrate an understanding of internal control, record keeping, and taxpayer reporting responsibilities for sales tax and the appropriate examination procedures necessary for verification of correct amounts of tax. The sample Examination Plan must include all items contained in the General Audit Checklist section of the Comptroller's Auditing Fundamentals Manual, Chapter 3, and all items contained in the Audit Plan published in Chapter 4 of the Comptroller's Sales Tax Audit Policy/Procedures Manual. The sample examination plan should include all necessary procedures and instructions for completing those procedures in sufficient detail to allow any person who meets the one year experience requirement in 34 TAC §3.3 to properly perform a sales and use tax examination with minimal supervision. If portions of any Comptroller publication, manual, or other document are used to prepare the examination plan or incorporated into the plan, the most current version must be used. The Comptroller's audit manuals may be found at the following internet location:

<http://www.window.state.tx.us/taxinfo/audit/auditman.htm>. Also see the Comptroller's Auditing Fundamentals Manual, Chapter 3 and 4 at <http://www.window.state.tx.us/taxinfo/audit/auditfun/3aplan.htm> and <http://www.window.state.tx.us/taxinfo/audit/auditfun/4entranc.htm>, respectively. Chapter 3 and 4 of the Sales Tax Policy/Procedure Manual are at <http://www.window.state.tx.us/taxinfo/audit/salestax/3a.htm> and <http://www.window.state.tx.us/taxinfo/audit/salestax/4a.htm>, respectively;

6. Proposed sample Workplan (including Timeline, Tasks and Deliverables) to implement each of the examinations after assignment, including

- (a) methods for deploying personnel and equipment to perform the examinations timely and otherwise in accordance with each contractual requirement;
- (b) methods for making personnel available for orientation and examination;
- (c) date availability for each of the personnel to perform assigned examinations;
- (d) methods for conducting preliminary (prior to receipt of taxpayer questionnaire) and final (after receipt of taxpayer questionnaire) conflicts checks regarding actual or potential conflicts of interest and notifying the Comptroller prior to accepting or beginning an assignment, and
- (e) an understanding of the Audit Flowchart Timelines contained in the appendix of the Comptroller's Audit Fundamentals Manual;

7. Statement of whether or not the respondent is a Historically Underutilized Business (HUB) and its efforts and willingness of the re-

spondent to comply with the HUB requirements of Texas law and administrative rules and regulations. In order to be a Historically Underutilized Business, a respondent must be registered as such with the Texas Building and Procurement Commission according to its rules and regulations concerning the same. You may check their website at www.tbpc.state.tx.us and choose Historically Underutilized Businesses or call the Comptroller's HUB Coordinator, Hilda Galaviz at (512) 463-3911;

8. Confirmation of understanding of and willingness to comply with the policies, directives, rules, procedures and guidelines of the Comptroller and other Standards of Performance established by the Comptroller for the conduct of the assigned examinations;

9. Confirmation of understanding of and willingness to adhere to all provisions of the sample Agreement, including, without limitation, the proposed fee arrangements, as posted on the addenda to the Electronic State Business Daily notice of issuance of this RFQ;

10. Completed, initialed where applicable, and signed Execution of Statement of Qualifications Form on Exhibit B as posted on the addenda to the Electronic State Business Daily notice of issuance of this RFQ;

11. Completed and signed Nondisclosure Agreement on the form set out on Exhibit D to this RFQ as posted on the addenda to the Electronic State Business Daily notice of issuance of this RFQ;

12. Signed letter or letters from a qualified insurance agent or agents containing quotations for ALL OF the required insurance coverages set out in Section VIII of the Master Agreement for Professional Services and stating that the coverages are available to the respondent upon selection, if any, of the contract examiner pursuant to this RFQ. In the alternative, respondents may submit current certificates of insurance showing the required coverage is already in force and in effect. Failure to provide information on EACH of the required coverages may result in disqualification of the Respondent's Statement of Qualifications. Respondent's insurance agents shall be ready to immediately issue policies and certificates upon notification of the Respondent's selection. Time is of the essence and no Agreements will be executed without the coverage required. A successful Respondent's preliminary selection may be rescinded due to failure to have the required insurance coverage by the time set by the Comptroller;

13. Completed, signed, and initialed where applicable Criminal History Certification on the form set out on Exhibit E to this RFQ as posted on the addenda to the Electronic State Business Daily notice of issuance of this RFQ;

14. Completed and signed Family Code Certification on the form set out on Exhibit F to this RFQ as posted on the addenda to the Electronic State Business Daily notice of issuance of this RFQ;

15. Signed Statement of representation that the respondent and any persons holding equity interests in respondent and all persons listed as examiners in its Statement of Qualifications are neither respondents under any other Statement of Qualifications responding to this RFQ, nor are employed by, contracted with, and do not own any equity or debt interest in any other respondent to this RFQ; and

16. Compliance with any amendments, modifications, or other requirements and changes to the RFQ set out in the Official Response to Questions in connection with this RFQ and posted by the Comptroller on the Electronic State Business Daily prior to the Closing Date for this RFQ. The above 16 items shall be submitted in the respondent's Statement of Qualification as separate and independent numbered sections corresponding to the above items. Failure to properly label and fully respond to each of the 16 items above may result in disqualification of the respondent but the Comptroller reserves the right to waive minor

variations in responses in the best interests of the Comptroller and of the State of Texas.

Mandatory Orientation Session: Respondents must attend, at their sole cost and expense, mandatory orientation session to be conducted by the Comptroller in Austin on August 14, 2007 through August 16, 2007 or as soon thereafter as possible. Questions regarding this mandatory session should be submitted prior to the deadline for submission of other written questions on this RFQ.

Evaluation and Award Procedure: All qualifying Statements of Qualifications received by the deadline above will be evaluated based on the evaluation criteria set out on Exhibit H attached to and made a part of this RFQ. The Comptroller will make the final selections in accordance with Chapter 2254, Subchapter A, Texas Government Code in its sole discretion in the best interests of the Comptroller and the State of Texas. Successful Respondents will be notified by e-mail of their preliminary selection prior to the Mandatory Orientation Session. Notice of contract awards will be published in the Electronic State Business Daily and the Texas Register as soon as possible after all Agreements, if any, resulting from this Statement of Qualifications, are fully executed. Respondents who do not receive a preliminary selection e-mail notice before the Orientation Session should assume that they were not selected although the official notice of award will be not be published at the time of the Mandatory Orientation Session but will be posted at the time stated in the Summary of Schedule in the last paragraph of this RFQ or as soon as practical thereafter. The Electronic State Business Daily may be accessed online at: <http://esbd.tbpc.state.tx.us/>.

Protests. Protests regarding this RFQ or actions taken under it shall be governed by the Comptroller's rule located at 34 Texas Administrative Code Section 1.72, Protests of Agency Purchases.

Limitations: The Comptroller reserves the right to accept or reject any or all Statements of Qualifications submitted in response to this RFQ. The Comptroller reserves the further right to evaluate individual examiners employed by a firm or who are employees of a respondent and approve of contract examiners on an individual basis based on the evaluation criteria. The Comptroller is not obligated to execute any contract or contracts or any specific number of contracts as a result of issuing this RFQ. The Comptroller further reserves the right to issue additional RFQs or other solicitations for the contracted or similar services at any time as the Comptroller determines are necessary to ensure an adequate number of examiners for any assigned examination under this program or any similar program. The Comptroller shall pay no costs or any other amounts incurred by any entity in responding to this RFQ. The Comptroller reserves the right to award contracts on the basis of the need to achieve appropriate examination coverage in all geographical areas of the State of Texas and/or nationwide and to evaluate respondents in a manner that will best achieve this need.

Upon written request by the Comptroller after notice of tentative contract award and prior to contract signature, the Successful Respondents (and no other respondents) must provide to the Comptroller electronic copies of its complete Statement of Qualification as submitted in response to this RFQ. No later than the deadline established by the Comptroller for its receipt of such electronic copies, the Successful Respondents shall deliver to the Comptroller a total of four (4) CDs with the following material prior to its signature on the contract, if any, resulting from this RFQ: * Four CDs, each containing a complete copy of the Successful Respondent's Statement of Qualifications in pdf format. A complete copy of the Statement of Qualifications includes all documents contained in the Statement of Qualifications submitted in response to this RFQ including those documents with the Successful Respondent's signature. These four identical CDs should each be titled: "Complete copy of [Name of the Successful Respondent]'s Statement of Qualifications Comptroller's RFQ#178c."

Summary of Schedule: The anticipated schedule is as follows: Issuance of RFQ by publication in the May 18, 2007, issue of the *Texas Register* and issuance of RFQ, including sample contract, on Electronic State Business Daily - May 18, 2007, 10:00 a.m. CZT; Questions Due - June 1, 2007, 2:00 p.m. CZT; Posting of Official Responses to Questions - June 8, 2007, 5:00 p.m. CZT or as soon thereafter as practical; Statements of Qualifications Due - Friday, June 22, 2007, 2:00 p.m. CZT; Contract Execution - July 12, 2007, or as soon thereafter as practical; Notice of Contract Awards posted on Electronic State Business Daily and *Texas Register* - July 16, 2007 or as soon thereafter as practical; Mandatory Orientation - August 14, 2007 through August 16, 2007; and Beginning of Examinations - September 4, 2007 upon completion of Orientation, or as soon thereafter as practical.

TRD-200701788

Pamela G. Smith

Deputy General Counsel for Contracts

Comptroller of Public Accounts

Filed: May 9, 2007

Office of Consumer Credit Commissioner

Notice of Rate Bracket Adjustment

The Consumer Credit Commissioner of Texas has ascertained the following brackets and ceilings by use of the formula and method described in TEX. FIN. CODE §341.203.¹

The amounts of brackets in TEX. FIN. CODE §342.201(a) are changed to \$1,710.00 and \$14,250.00, respectively.

The amounts of brackets in TEX. FIN. CODE §342.201(e) are changed to \$2,850.00, \$5,985.00, and \$14,250.00, respectively.

The ceiling amount in TEX. FIN. CODE §342.251 is changed to \$570.00 and \$1,140.00, respectively.

The amounts of the brackets in TEX. FIN. CODE §345.055 are changed to \$2,850.00 and \$5,700.00, respectively.

The amounts of the bracket in TEX. FIN. CODE §345.103 is changed to \$2,850.00.

The ceiling amount of TEX. FIN. CODE §371.158 is changed to \$14,250.00.

The amounts of the brackets in TEX. FIN. CODE §371.159 are changed to \$171.00, \$1,140.00, and \$1,710.00, respectively.

The above dollar amounts of the brackets and ceilings shall govern all applicable credit transactions and loans made on or after July 1, 2007, and extending through June 30, 2008.

¹Computation method: The Reference Base Index (the Index for December 1967) = 101.6. The December 2006 Index = 587.3. The percentage of change is 578.05%. This equates to an increase of 570% after disregarding the percentage of change in excess of multiples of 10%.

TRD-200701772

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 8, 2007

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003 and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/14/07 - 05/20/07 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/14/07 - 05/20/07 is 18% for Commercial over \$250,000.

¹Credit for personal, family, or household use.

²Credit for business, commercial, investment, or other similar purpose.

TRD-200701771

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 8, 2007

Texas Education Agency

Notice of Correction: Request for Applications (RFA) Concerning the AchieveTexas College and Career Redesign Grant

The Texas Education Agency (TEA) published Request for Application (RFA) #701-07-110 concerning the AchieveTexas College and Career Redesign Grant in the March 30, 2007, issue of the *Texas Register* (32 TexReg 1925).

The TEA is amending the Deadline for Receipt of Applications paragraph in the *Texas Register* notice to read, "Applications must be received in the Document Control Center of the TEA by 5:00 p.m. (Central Time), Thursday, June 14, 2007, to be considered for funding." This correction reflects a change from the original deadline date of Tuesday, May 22, 2007.

Further Information. For clarifying information about the RFA, contact Kathy Mihalik, Division of Discretionary Grants, TEA, (512) 463-9269.

TRD-200701783

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

Filed: May 9, 2007

Notice of Correction: Request for Applications (RFA) Concerning the Texas Accelerated Science Achievement Program (Texas ASAP), Cycle 2, 2007-2009

The Texas Education Agency (TEA) published Request for Application (RFA) #701-07-111 concerning the Texas Accelerated Science Achievement Program (Texas ASAP), Cycle 2, 2007-2009 in the April 6, 2007, issue of the *Texas Register* (32 TexReg 2034).

The TEA is amending the Deadline for Receipt of Applications paragraph in the *Texas Register* notice to read, "Applications must be received in the Document Control Center of the TEA by 5:00 p.m. (Central Time), Tuesday, June 12, 2007, to be considered for funding." This correction reflects a change from the original deadline date of Tuesday, June 5, 2007.

Further Information. For clarifying information about the RFA, contact Amy Werst, Division of Discretionary Grants, TEA, (512) 936-7238.

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (the Code), §7.075. Section 7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. Section 7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 18, 2007**. Section 7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 18, 2007**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §7.075 provides that comments on the AOs shall be submitted to the commission in **writing**.

(1) COMPANY: Andrew Pena dba A-One Aircraft Paint; DOCKET NUMBER: 2007-0398-IHW-E; IDENTIFIER: RN105121891; LOCATION: Midlothian, Ellis County, Texas; TYPE OF FACILITY: aircraft painting service; RULE VIOLATED: 30 Texas Administrative Code (TAC) §335.2(b), by failing to prevent the transportation and processing of industrial hazardous waste to an unauthorized facility; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Alison Echlin, (512) 239-3308; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Akzo Nobel Polymer Chemicals LLC; DOCKET NUMBER: 2006-2039-IHW-E; IDENTIFIER: RN102177391; LOCATION: Deer Park, Harris County, Texas; TYPE OF FACILITY: organic chemical manufacturing; RULE VIOLATED: 30 TAC §335.2(a) and §335.69(a) and (a)(1)(B) and 40 Code of Federal Regulations (CFR) §262.34(a) and §265.195(b), by failing to conduct daily hazardous waste tank inspections and to prevent the unauthorized storage of hazardous waste; 30 TAC §335.69(a)(1)(B) and 40 CFR §265.192(g), by failing to keep on file the certified written assessment for tank systems used to store or treat hazardous waste; 30 TAC §334.431(c) and 40 CFR §268.7(a)(2), by failing to indicate the category of waste on the land disposal restriction form; 30 TAC

§335.9(a)(2), by failing to submit a complete and correct annual waste summary; 30 TAC §335.10(b)(17) and (22), by failing to properly complete the Texas uniform hazardous waste manifest; and 30 TAC §335.6(c), by failing to update the facility's notice of registration; PENALTY: \$112,770; Supplemental Environmental Project (SEP) offset amount of \$45,108 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: Michael Meyer, (512) 239-4492; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(3) COMPANY: City of Avinger; DOCKET NUMBER: 2006-1589-MWD-E; IDENTIFIER: RN102181963; LOCATION: Avinger, Cass County, Texas; TYPE OF FACILITY: domestic wastewater system; RULE VIOLATED: 30 TAC §305.125(1), Texas Pollutant Discharge Elimination System (TPDES) Permit Number 14399001, Effluent Limitations and Monitoring Requirements Numbers 1, 2, and 3, and the Code, §26.121(a), by failing to comply with permitted effluent limits; 30 TAC §305.125(17) and TPDES Permit Number 14399001, Monitoring and Reporting Requirements Number 1, by failing to timely submit the monthly discharge monitoring report; and 30 TAC §305.125(17) and TPDES Permit Number 14399001, Sludge Provisions, by failing to timely submit the annual sludge report; PENALTY: \$13,766; ENFORCEMENT COORDINATOR: Ruben Soto, (512) 239-4571; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(4) COMPANY: Jackie Brister dba Barefoot Fishing Camp; DOCKET NUMBER: 2007-0030-PWS-E; IDENTIFIER: RN101251924; LOCATION: San Saba County, Texas; TYPE OF FACILITY: campground with a public water supply; RULE VIOLATED: 30 TAC §290.42(i), by failing to develop and maintain a plant operations manual; 30 TAC §290.46(f)(2), by failing to provide public water system operating records at the time of the investigation; 30 TAC §290.45(c)(1)(A)(ii) and Texas Health & Safety Code (THSC), §341.0315(c), by failing to provide a pressure tank capacity of ten gallons per unit with a minimum of 220 gallons for the system; and 30 TAC §290.45(c)(1)(A)(i) and THSC, §341.0315(c), by failing to provide a well capacity of one gallon per minute per unit; PENALTY: \$1,150; ENFORCEMENT COORDINATOR: Amy Martin, (512) 239-2540; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(5) COMPANY: Bastrop County; DOCKET NUMBER: 2007-0143-MLM-E; IDENTIFIER: RN100529296; LOCATION: Bastrop, Bastrop County, Texas; TYPE OF FACILITY: recycling center and transfer station; RULE VIOLATED: 30 TAC §335.4, by failing to properly dispose of municipal hazardous waste; and 30 TAC §324.1 and 40 CFR §279.22(c)(1) and §279.31(b)(1), by failing to label or clearly mark a container storing used oil with the words "Used Oil"; PENALTY: \$10,250; ENFORCEMENT COORDINATOR: Michael Meyer, (512) 239-4492; REGIONAL OFFICE: 2800 South IH 35, Suite 100, Austin, Texas 78704-5712, (512) 339-2929.

(6) COMPANY: Steven Benke; DOCKET NUMBER: 2007-0636-PST-E; IDENTIFIER: RN105128516; LOCATION: Castroville, Medina County, Texas; TYPE OF FACILITY: individual; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$210; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(7) COMPANY: City of Big Lake; DOCKET NUMBER: 2007-0018-MWD-E; IDENTIFIER: RN101611820; LOCATION: Reagan County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §210.34 and Authorization Number R10038001 for Reclaimed Water, General Requirements IV, by failing to monitor fecal coliform at least once per week; 30 TAC §210.36(2)

and Authorization Number R10038001 for Reclaimed Water, General Requirements V.(a)(2), by failing to timely submit monthly effluent reports; 30 TAC §305.125(17) and TPDES Permit Number WQ0010038001, Sludge Provisions, by failing to timely submit annual sludge report; 30 TAC §305.125(1) and TPDES Permit Number WQ0010038001, Monitoring and Reporting Requirements Number 7.a., by failing to submit noncompliance notifications; and 30 TAC §210.33 and Authorization Number R10038001 for Reclaimed Water, General Requirements III, by failing to only transfer water meeting the limits described for Type II reclaimed water use; PENALTY: \$24,850; Supplemental Environmental Project (SEP) offset amount of \$19,880 applied to Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Plugging Abandoned Water Wells; ENFORCEMENT COORDINATOR: Merrilee Hupp, (512) 239-4490; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7013, (915) 655-9479.

(8) COMPANY: Brandom Southwest, Ltd. dba Brandom Cabinets; DOCKET NUMBER: 2007-0276-AIR-E; IDENTIFIER: RN100621002; LOCATION: Hillsboro, Hill County, Texas; TYPE OF FACILITY: cabinet production; RULE VIOLATED: 30 TAC §116.115(b)(2)(F) and (c), Air Permit Number 20883, Special Condition Number 4D, and THSC, §382.085(b), by failing to comply with the total annual emission rate limits; 30 TAC §116.116(a)(1), Air Permit Number 20883, and THSC, §382.085(b), by failing to meet the representations and conditions of Air Permit Number 20883; 30 TAC §116.115(c), Air Permit Number 20883, Special Condition Number 6(C)(2) and (D), and THSC, §382.085(b), by failing to comply with record keeping requirements of Air Permit Number 20883; 30 TAC §122.121 and THSC, §382.054 and §382.085(b), by failing to obtain a federal operating permit; PENALTY: \$6,300; ENFORCEMENT COORDINATOR: Audra Ruble, (361) 825-3100; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(9) COMPANY: Stanley Burse; DOCKET NUMBER: 2007-0263-LII-E; IDENTIFIER: RN105068274; LOCATION: Cedar Park and Austin; Williamson and Travis Counties, Texas; TYPE OF FACILITY: landscape business; RULE VIOLATED: 30 TAC §30.5(a) and §344.4, Texas Occupations Code, §1903.251, and the Code, §37.003, by failing to possess an irrigator license; PENALTY: \$625; ENFORCEMENT COORDINATOR: Libby Hogue, (512) 239-1165; REGIONAL OFFICE: 2800 South IH 35, Suite 100, Austin, Texas 78704-5712, (512) 339-2929.

(10) COMPANY: City of Charlotte; DOCKET NUMBER: 2007-0122-MWD-E; IDENTIFIER: RN101721033; LOCATION: Atascosa County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number WQ0010142001, Effluent Limitations and Monitoring Requirements Numbers 1, 3, and 6, and the Code, §26.121(a), by failing to comply with permit effluent limits; and 30 TAC §305.125(17) and TPDES Permit Number WQ0010142001, Sludge Provisions, by failing to submit the annual sludge report; PENALTY: \$8,122; Supplemental Environmental Project (SEP) offset amount of \$6,498 applied to Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Unauthorized Trash Dump Clean-Up; ENFORCEMENT COORDINATOR: Heather Brister, (512) 239-1203; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(11) COMPANY: City of Crockett; DOCKET NUMBER: 2007-0303-MWD-E; IDENTIFIER: RN101609741; LOCATION: Houston County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number 10154001, Effluent Limitations and Monitoring Requirements Number 1, and the

Code, §26.121(a), by failing to comply with the permitted effluent limitations; PENALTY: \$4,350; ENFORCEMENT COORDINATOR: Libby Hogue, (512) 239-1165; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(12) COMPANY: Diamond Shamrock Refining Company, L.P.; DOCKET NUMBER: 2005-1948-AIR-E; IDENTIFIER: RN100542802; LOCATION: Three Rivers, Live Oak County, Texas; TYPE OF FACILITY: oil refinery; RULE VIOLATED: 30 TAC §101.20(3) and §116.115(c), Air New Source Permit Numbers 50607 and PSD-TX-331M1, Special Condition 1, and THSC, §382.085(b), by failing to comply with permitted emissions limits; and 30 TAC §101.201(b) and THSC, §382.085(b), by failing to timely submit a complete and accurate final report; PENALTY: \$10,228; ENFORCEMENT COORDINATOR: Jessica Rhodes, (512) 239-2879; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(13) COMPANY: City of Eden; DOCKET NUMBER: 2007-0195-MWD-E; IDENTIFIER: RN101920924; LOCATION: Eden, Concho County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number WQ0010081001, Final Effluent Limitations and Monitoring Requirements Number 1, and the Code, §26.121(a), by failing to comply with the permitted effluent limitations; 30 TAC §305.125(17) and TPDES Permit Number WQ0010081001, Sludge Provisions, by failing to timely submit the annual sludge report; and 30 TAC §305.125(17) and TPDES Permit Number WQ0010081001, Monitoring and Reporting Requirements Number 1, by failing to report the value for maximum single grab concentration for ammonia nitrogen on the discharge monitoring report (DMR); PENALTY: \$8,544; ENFORCEMENT COORDINATOR: Lynley Doyen, (512) 239-1364; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7013, (915) 655-9479.

(14) COMPANY: Erath County; DOCKET NUMBER: 2007-0117-WQ-E; IDENTIFIER: RN104549969; LOCATION: Erath County, Texas; TYPE OF FACILITY: limestone mining pit; RULE VIOLATED: 30 TAC §281.25(a)(4) and 40 CFR §122.26(c), by failing to obtain authorization to discharge storm water associated with an industrial activity; PENALTY: \$2,100; ENFORCEMENT COORDINATOR: Ruben Soto, (512) 239-4571; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(15) COMPANY: Exxon Mobil Corporation; DOCKET NUMBER: 2007-0077-AIR-E; IDENTIFIER: RN102579307; LOCATION: Baytown, Harris County, Texas; TYPE OF FACILITY: refinery; RULE VIOLATED: 30 TAC §116.715(a), Flexible Air Permit Numbers 18287 and PSD-TX-730M4/PAL, Special Condition Number 1, and THSC, §382.085(b), by failing to prevent the unauthorized release of air contaminants into the atmosphere; PENALTY: \$20,000; Supplemental Environmental Project (SEP) offset amount of \$10,000 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(16) COMPANY: Groendyke Transport, Inc.; DOCKET NUMBER: 2007-0634-WQ-E; IDENTIFIER: RN100557990; LOCATION: Borger, Hutchinson County, Texas; TYPE OF FACILITY: transporter; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(17) COMPANY: Anthony John Riedel dba Hickory Hollow Inn; DOCKET NUMBER: 2007-0278-MWD-E; IDENTIFIER: RN101700201; LOCATION: Harris County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number 13939001, Effluent Limitations and Monitoring Requirements Number 1, and the Code, §26.121(a), by failing to comply with the permitted effluent limits; 30 TAC §305.125(1) and §319.1 and TPDES Permit Number 13939001, Monitoring and Reporting Requirements Number 1, by failing to timely submit monthly DMRs; and 30 TAC §305.125(1) and TPDES Permit Number 13939001, Monitoring and Reporting Requirements Number 1 and Sludge Provisions, by failing to timely submit the annual sludge report; PENALTY: \$6,370; ENFORCEMENT COORDINATOR: Catherine Albrecht, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(18) COMPANY: City of Hudson; DOCKET NUMBER: 2006-2011-MWD-E; IDENTIFIER: RN101517878; LOCATION: Angelina County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number WQ0011826001, Effluent Limitations and Monitoring Requirements Numbers 2 and 6, and the Code, §26.121(a), by failing to comply with permit effluent limits; PENALTY: \$3,060; Supplemental Environmental Project (SEP) offset amount of \$2,448 applied to holding a three-day event for the collection and recycling of tires, batteries, electronics, and household appliances; ENFORCEMENT COORDINATOR: Heather Brister, (512) 239-1203; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(19) COMPANY: Hussain Lakhani dba Hulen Stop; DOCKET NUMBER: 2007-0088-PST-E; IDENTIFIER: RN101443059; LOCATION: Fort Worth, Tarrant County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; PENALTY: \$2,050; ENFORCEMENT COORDINATOR: Philip DeFrancesco, (817) 588-5800; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(20) COMPANY: Marwan Hweidi dba Hicks Country Store; DOCKET NUMBER: 2006-0443-PST-E; IDENTIFIER: RN101433712; LOCATION: Southlake, Tarrant County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A), by failing to provide release detection; PENALTY: \$1,750; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(21) COMPANY: Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex; DOCKET NUMBER: 2007-0264-PWS-E; IDENTIFIER: RN101227676; LOCATION: Sealy, Austin County, Texas; TYPE OF FACILITY: concrete pipe manufacturing plant with a public water supply; RULE VIOLATED: 30 TAC §290.46(e)(4)(A) and THSC, §341.033(a), by failing to employ a water works operator that holds a Class D or higher license; 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan; and 30 TAC §290.110(e)(4), by failing to submit a disinfectant level operating report; PENALTY: \$1,552; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (210) 490-3096; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(22) COMPANY: INEOS USA LLC; DOCKET NUMBER: 2007-0175-AIR-E; IDENTIFIER: RN100238708; LOCATION: Alvin, Brazoria County, Texas; TYPE OF FACILITY: petrochemical manufacturing plant; RULE VIOLATED: 30 TAC §101.20(3) and §116.715(a), Flexible Permit Number 95/PSD-TX-854, Special Con-

dition Number 1, and THSC, §382.085(b), by failing to comply with permitted emissions limits; PENALTY: \$5,225; ENFORCEMENT COORDINATOR: Bryan Elliott, (512) 239-6162; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(23) COMPANY: Irwin Co. Inc. dba I & I Plumbing Inc.; DOCKET NUMBER: 2007-0635-PST-E; IDENTIFIER: RN101732246; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: plumbing with fleet refueling; RULE VIOLATED: 30 TAC §334.51(b)(2), by failing to provide spill containment and overflow prevention; PENALTY: \$1,750; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(24) COMPANY: Linda Jarrel; DOCKET NUMBER: 2007-0632-PWS-E; IDENTIFIER: RN105148845; LOCATION: Amarillo, Randall County, Texas; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$210; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(25) COMPANY: Mohammad Saeed Akhtar dba K & P 1 Food Store; DOCKET NUMBER: 2007-0107-PST-E; IDENTIFIER: RN101888543; LOCATION: San Antonio, Bexar County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.49(a) and the Code, §26.3475(d), by failing to provide proper corrosion protection for the underground storage tank (UST) system; 30 TAC §334.50(a)(1)(A) and the Code, §26.3475(c)(1), by failing to have a release detection method capable of detecting a release from any portion of the UST system; 30 TAC §334.50(d)(1)(B)(ii) and the Code, §26.3475(c)(1), by failing to conduct reconciliation of detailed inventory control records; 30 TAC §334.10(b), by failing to maintain UST records and immediately make available for inspection; and 30 TAC §334.7(d)(3), by failing to provide an amended registration for any change or additional information regarding USTs; PENALTY: \$8,400; ENFORCEMENT COORDINATOR: Shontay Wilcher, (512) 239-2136; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(26) COMPANY: La Marque Independent School District; DOCKET NUMBER: 2007-0120-PST-E; IDENTIFIER: RN102827458; LOCATION: La Marque, Galveston County, Texas; TYPE OF FACILITY: transportation facility with non-retail fueling; RULE VIOLATED: 30 TAC §37.815(a) and (b) and TCEQ Agreed Order Docket No. 2003-0804-PST-E, Ordering Provision Number 2, by failing to demonstrate the required financial responsibility; 30 TAC §334.8(c)(5) and the Code, §26.346(a), by failing to ensure the timely renewal of a previously issued UST delivery certificate; 30 TAC §334.50(b)(1)(A) and the Code, §26.3475(c)(1), by failing to perform an automatic test for substance loss for each UST; 30 TAC §334.50(b)(2) and the Code, §26.3475(a), by failing to monitor or test each pressurized line for releases; 30 TAC §334.50(b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to test the line leak detectors for performance and operational reliability; 30 TAC §334.50(d)(1)(B)(ii) and the Code, §26.3475(a) and (c), by failing to conduct daily and monthly inventory control; 30 TAC §334.49(c)(4) and the Code, §26.3475(d), by failing to have the cathodic protection system tested; 30 TAC §334.49(c)(2)(C) and the Code, §26.3475(d), by failing to inspect the rectifier; and 30 TAC §334.51(b)(2)(C) and the Code, §26.3475(c)(2), by failing to provide proper overflow protection equipment; PENALTY: \$30,000; ENFORCEMENT COORDINATOR: Elvia Maske, (512) 239-0789; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(27) COMPANY: Jerry Long; DOCKET NUMBER: 2007-0350-SLG-E; IDENTIFIER: RN103099297; LOCATION: Palo Pinto County, Texas; TYPE OF FACILITY: beneficial land use site; RULE VIOLATED: 30 TAC §312.4(a), by failing to obtain authorization from the TCEQ prior to disposing of wastewater treatment plant sludge; and 30 TAC §312.44(c)(2), by failing to meet setback distances from newly constructed, occupied residence; PENALTY: \$1,590; ENFORCEMENT COORDINATOR: Samuel Short, (512) 239-5363; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(28) COMPANY: John E. Mitchell; DOCKET NUMBER: 2007-0211-LII-E; IDENTIFIER: RN105132468; LOCATION: Spring, Harris County, Texas; TYPE OF FACILITY: landscape business; RULE VIOLATED: 30 TAC §30.5(a) and §344.4, Texas Occupations Code, §1903.251, and the Code, §37.003, by failing to possess a valid irrigator license; PENALTY: \$625; ENFORCEMENT COORDINATOR: Libby Hogue, (512) 239-1165; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(29) COMPANY: Montgomery County Municipal Utility District No. 56; DOCKET NUMBER: 2006-2236-MWD-E; IDENTIFIER: RN102916905; LOCATION: Montgomery County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1) and (4), TPDES Permit Number 13760001, Permit Condition Number 2.g., and the Code, §26.121(a), by failing to prevent the unauthorized discharges of wastewater from the collection system; 30 TAC §305.125(1) and (9) and TPDES Permit Number 13760001, Monitoring and Reporting Requirement Number 7.b.iv., by failing to timely report the unauthorized discharge of wastewater from the collection system; 30 TAC §305.125(1), TPDES Permit Number 13760001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, and the Code, §26.121(a), by failing to maintain compliance with permit limits; and 30 TAC §305.125(1) and (9) and TPDES Permit Number 13760001, Monitoring and Reporting Requirement Number 7.c., by failing to consistently provide effluent noncompliance notification reports; PENALTY: \$12,116; ENFORCEMENT COORDINATOR: Catherine Albrecht, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(30) COMPANY: Moore County Hospital District; DOCKET NUMBER: 2007-0633-PST-E; IDENTIFIER: RN101890739; LOCATION: Moore County, Texas; TYPE OF FACILITY: hospital with fleet refueling; RULE VIOLATED: 30 TAC §334.8(c)(5)(A)(i), by failing to possess a valid TCEQ delivery certificate prior to receiving fuel; PENALTY: \$875; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(31) COMPANY: Murphy Oil USA, Inc. dba Murphy USA 5708; DOCKET NUMBER: 2007-0287-PST-E; IDENTIFIER: RN102264322; LOCATION: West Orange, Orange County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.246(6) and THSC, §382.085(b), by failing to maintain records for the Stage II vapor recovery system; PENALTY: \$1,050; ENFORCEMENT COORDINATOR: Philip DeFrancesco, (817) 588-5800; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(32) COMPANY: City of Navasota; DOCKET NUMBER: 2006-1412-MWD-E; IDENTIFIER: RN101608131; LOCATION: Navasota, Grimes County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: the Code, §26.121(a) and TPDES Permit Number WQ0010231001, Permit Conditions Number 2(g), by failing to prevent the unauthorized discharge of untreated wastewater;

PENALTY: \$8,700; Supplemental Environmental Project (SEP) offset amount of \$8,700 applied to holding a city-wide illegal dump site clean up to remove illegally dumped tires, lumber, brush, and other debris from rights-of-way areas within the city limits and at one private property; ENFORCEMENT COORDINATOR: Ruben Soto, (512) 239-4571; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 7510335.

(33) COMPANY: NDV Enterprises, Inc. dba Chubbys 3; DOCKET NUMBER: 2007-0147-PST-E; IDENTIFIER: RN101431708; LOCATION: Liberty, Liberty County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.49(c)(4)(C) and the Code, §26.3475(d), by failing to have the cathodic protection system inspected and tested for operability and adequacy of protection; and 30 TAC §334.22(a) and the Code, §5.702, by failing to pay outstanding UST fees and associated late fees; PENALTY: \$2,675; ENFORCEMENT COORDINATOR: Philip DeFrancesco, (817) 588-5800; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(34) COMPANY: PDLA Partners, LP; DOCKET NUMBER: 2007-0083-MLM-E; IDENTIFIER: RN104567961; LOCATION: Fort Worth, Tarrant County, Texas; TYPE OF FACILITY: waste generator which owns and operates a former foundry; RULE VIOLATED: 30 TAC §330.15(c) and §335.4, by failing to prevent the disposal of industrial and municipal solid wastes at the site; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Michael Meyer, (512) 239-4492; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(35) COMPANY: John W. Cooke dba Phippen Motor; DOCKET NUMBER: 2007-0319-PST-E; IDENTIFIER: RN104747167; LOCATION: Carthage, Panola County, Texas; TYPE OF FACILITY: car dealership and automotive repair shop; RULE VIOLATED: 30 TAC §334.50(a)(1)(A) and the Code, §26.3475(c)(1), by failing to provide a method of release detection capable of detecting a release from any portion of the UST system; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Judy Kluge, (817) 588-5800; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(36) COMPANY: City of Queen City; DOCKET NUMBER: 2005-0658-MLM-E; IDENTIFIER: RN101918910 and RN101388858; LOCATION: Queen City, Cass County, Texas; TYPE OF FACILITY: wastewater treatment and public water supply; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number 11225001, Effluent Limitations and Monitoring Requirements Number 1, and the Code, §26.121(a), by failing to comply with permit effluent limitations; 30 TAC §305.125(17) and TPDES Permit Number 11225001, Sludge Requirements, by failing to submit the annual sewage sludge DMR; 30 TAC §305.125(1) and TPDES Permit Number 11225001, Other Requirements Number 4, by failing to meet the 36-month schedule for construction and completion of the wastewater treatment facilities; 30 TAC §305.125(1) and TPDES Permit Number 11225001, Monitoring and Reporting Requirements Number 7, by failing to report the ammonia daily average effluent exceedances of greater than 40% of the permit limit; and 30 TAC §290.113(b)(1) and (f)(4) and THSC, §341.0315(c), by exceeding the maximum contaminant level for total trihalomethanes; PENALTY: \$22,653; ENFORCEMENT COORDINATOR: Michael Limos, (512) 239-4492; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(37) COMPANY: reddy&family inc. dba Turbo Gas; DOCKET NUMBER: 2007-0628-PST-E; IDENTIFIER: RN102859345; LOCATION: Hale County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A), by failing to provide release detection; and 30 TAC §334.50(d)(1)(B), by failing to implement inventory control methods;

PENALTY: \$3,500; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 4630 50th Street, Suite 600, Lubbock, Texas 79414-3520, (806) 796-7092.

(38) COMPANY: reddy&family inc. dba Kwick Food Mart Turbo Gas; DOCKET NUMBER: 2007-0629-PST-E; IDENTIFIER: RN101831071; LOCATION: Lubbock County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A), by failing to provide release detection; and 30 TAC §334.50(d)(1)(B), by failing to implement inventory control methods; PENALTY: \$3,500; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 4630 50th Street, Suite 600, Lubbock, Texas 79414-3520, (806) 796-7092.

(39) COMPANY: City of Shepherd; DOCKET NUMBER: 2006-1877-MWD-E; IDENTIFIER: RN101916666; LOCATION: San Jacinto County, Texas; TYPE OF FACILITY: wastewater system; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number 11380001, Final Effluent Limitations and Monitoring Requirements Number 1, and the Code, §26.121(a), by failing to comply with permitted effluent limits; PENALTY: \$3,840; Supplemental Environmental Project (SEP) offset amount of \$3,072 applied to Texas Association of Resource Conservation and Development Areas, Inc. ("RD&D") - Unauthorized Trash Dump Clean-Up; ENFORCEMENT COORDINATOR: Ruben Soto, (512) 239-4571; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(40) COMPANY: Greg Edward Stovall; DOCKET NUMBER: 2007-0125-MSW-E; IDENTIFIER: RN105137327; LOCATION: San Antonio, Bexar County, Texas; TYPE OF FACILITY: rental property; RULE VIOLATED: 30 TAC §330.7(a), by failing to obtain the required authorization and/or permit from the TCEQ to store municipal solid waste (MSW) and failed to prevent a nuisance; and 30 TAC §330.15(c), by failing to prevent or allow the dumping or disposal of MSW without the written authorization of the commission; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Libby Hogue, (512) 239-1165; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(41) COMPANY: Charles Taylor; DOCKET NUMBER: 2007-0255-PST-E; IDENTIFIER: RN101803864; LOCATION: Coleman, Coleman County, Texas; TYPE OF FACILITY: property with USTs; RULE VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, two USTs; and 30 TAC §334.22(a) and the Code, §5.702, by failing to pay outstanding UST fees and associated late fees; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Deana Holland, (512) 239-2504; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (915) 698-9674.

(42) COMPANY: Texas Parks & Wildlife Department; DOCKET NUMBER: 2007-0110-MWD-E; IDENTIFIER: RN102455045; LOCATION: Tyler, Smith County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number 11738001, Effluent Limitations and Monitoring Requirements Numbers 1, 2, and 3, and the Code, §26.121(a), by failing to comply with the permitted effluent limits; PENALTY: \$3,810; ENFORCEMENT COORDINATOR: Kimberly Morales, (713) 767-3500; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(43) COMPANY: The Goodyear Tire & Rubber Company; DOCKET NUMBER: 2007-0337-AIR-E; IDENTIFIER: RN100870898; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: synthetic rubber manufacturing; RULE VIOLATED: 30 TAC §116.715(a),

Flexible Air Permit Number 6618, Special Condition 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §101.201(a) and THSC, §382.085(b), by failing to properly notify the TCEQ of an emissions event; PENALTY: \$11,856; ENFORCEMENT COORDINATOR: Kimberly Morales, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(44) COMPANY: The Trinity Company dba Lockney Warehouse; DOCKET NUMBER: 2007-0631-WQ-E; IDENTIFIER: RN105148118; LOCATION: Lockney, Floyd County, Texas; TYPE OF FACILITY: warehouse; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 4630 50th Street, Suite 600, Lubbock, Texas 79414-3520, (806) 796-7092.

(45) COMPANY: The Trinity Company dba Hale County Compress Bldg. 1 Main; DOCKET NUMBER: 2007-0630-WQ-E; IDENTIFIER: RN105148076; LOCATION: Plainview, Hale County, Texas; TYPE OF FACILITY: warehouse; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 3530-9251.

(46) COMPANY: Transit Mix Concrete & Materials Company; DOCKET NUMBER: 2007-0361-AIR-E; IDENTIFIER: RN100805613; LOCATION: Weatherford, Parker County, Texas; TYPE OF FACILITY: concrete batch plant; RULE VIOLATED: 30 TAC §101.4 and THSC, §382.085(a) and (b), by failing to prevent particulate emissions from causing a nuisance condition; and 30 TAC §106.201(1) and THSC, §382.085(b), by failing to maintain a sprinkler system operable at all times; PENALTY: \$3,220; ENFORCEMENT COORDINATOR: Jessica Rhodes, (512) 239-2879; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(47) COMPANY: Valero Refining-Texas, L.P.; DOCKET NUMBER: 2006-0468-MLM-E; IDENTIFIER: RN100211663 and RN100238385; LOCATION: Texas City, Galveston County, Texas; TYPE OF FACILITY: petroleum refinery; RULE VIOLATED: 30 TAC §116.715(a) and §101.20(1), Flexible Air Permit Number 39142, Special Condition Number 1, 40 CFR §60.18(c)(2), and THSC, §382.085(b), by failing to prevent unauthorized emissions and by failure to operate a flare with a flame present; 30 TAC §335.4 and the Code, §26.121(a), by failing to prevent the discharge of slop oil and wastewater to the environment; and 30 TAC §305.125(9) and TCEQ Water Quality Permit Number 00465, Monitoring and Reporting Requirements 7.a., by failing to report any noncompliance which may endanger human health, safety, or the environment; PENALTY: \$58,525; ENFORCEMENT COORDINATOR: Jessica Rhodes, (512) 239-2879; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(48) COMPANY: Jimmy L. West; DOCKET NUMBER: 2007-0388-LII-E; IDENTIFIER: RN104787239; LOCATION: Stockdale, Wilson County, Texas; TYPE OF FACILITY: business for selling grass sod; RULE VIOLATED: 30 TAC §30.5(a) and §344.4(a), Texas Occupations Code, §1903.251, and the Code, §37.003, by failing to hold an irrigator license; PENALTY: \$625; ENFORCEMENT COORDINATOR: Chris Holcomb, (512) 239-2541; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-200701784

Mary R. Risner
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: May 9, 2007



Enforcement Orders

An agreed order was entered regarding Southwest Tire Disposal, L.L.C., Docket No. 2001-0725-MSW-E on April 30, 2007 assessing \$12,140 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Shannon Strong, Staff Attorney at (512) 239-0972, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Lake Livingston Water Supply & Sewer Service Corporation, Docket No. 2003-0639-PWS-E on May 1, 2007 assessing \$63,456 in administrative penalties with \$12,692 deferred.

Information concerning any aspect of this order may be obtained by contacting Audra Ruble, Enforcement Coordinator at (361) 825-3126, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Abdul H. Aziz Al-Surmi aka Aziz Al-Surmi dba Yemco Petroleum, Docket No. 2003-0953-PST-E on May 1, 2007 assessing \$4,750 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mark Curnutt, Staff Attorney at (512) 239-0624, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Uppal Bros., Inc. dba Save Way Food Mart, Docket No. 2003-1165-PST-E on May 1, 2007 assessing \$35,100 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Shawn Slack, Staff Attorney at (512) 239-0063, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Lakeport Development, Inc., Docket No. 2003-0971-PST-E on May 1, 2007 assessing \$9,900 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathleen Decker, Staff Attorney at (512) 239-6500, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Yari Enterprises, Inc. dba Git N Go, Docket No. 2004-0445-PST-E on April 30, 2007 assessing \$17,100 in administrative penalties with \$8,793 deferred.

Information concerning any aspect of this order may be obtained by contacting Kathleen Decker, Staff Attorney at (512) 239-6500, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Algonquin Water Resources of America, Inc. dba Woodmark Utilities and dba Tall Timbers STP, Docket No. 2004-0677-MWD-E on May 1, 2007 assessing \$17,895 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Laurencia Fasoyiro, Staff Attorney at (713) 422-8914,

Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Domino, Docket No. 2004-1457-PWS-E on May 1, 2007 assessing \$7,146 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Shannon Strong, Staff Attorney at (512) 239-0907, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding R. Master & Sons, Inc. dba Get & Go, Docket No. 2004-1809-PST-E on May 1, 2007 assessing \$1,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rachael Gaines, Staff Attorney at (512) 239-0078, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Mexia, Docket No. 2005-0431-PWS-E on May 1, 2007 assessing \$935 in administrative penalties with \$187 deferred.

Information concerning any aspect of this order may be obtained by contacting Craig Fleming, Enforcement Coordinator at (512) 239-5806, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding William B. Colwell dba Star Mart 3, Docket No. 2005-1207-PST-E on May 1, 2007 assessing \$1,875 in administrative penalties with \$375 deferred.

Information concerning any aspect of this order may be obtained by contacting Deana Holland, Enforcement Coordinator at (512) 239-2504, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding AT Systems Southwest, Inc., Docket No. 2005-1402-PST-E on May 1, 2007 assessing \$2,100 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jacquelyn Boutwell, Staff Attorney at (512) 239-5846, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Mike Oda dba Riverbend RV Park and Resort, Docket No. 2005-1495-PWS-E on May 1, 2007 assessing \$788 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Libby Hogue, Enforcement Coordinator at (512) 239-1165, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Emory, Docket No. 2005-1535-MWD-E on May 1, 2007 assessing \$4,840 in administrative penalties with \$968 deferred.

Information concerning any aspect of this order may be obtained by contacting Elvia Maske, Enforcement Coordinator at (512) 239-0789, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Angleton Danbury Hospital District dba Angleton Danbury Medical Center, Docket No. 2005-1775-AIR-E on April 30, 2007 assessing \$10,400 in administrative penalties with \$2,080 deferred.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Uvalde, Docket No. 2005-1837-MSW-E on April 30, 2007 assessing \$1,050 in administrative penalties with \$210 deferred.

Information concerning any aspect of this order may be obtained by contacting Audra Ruble, Enforcement Coordinator at (361) 825-3126, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding BP Products North America Inc., Docket No. 2005-1839-AIR-E on April 30, 2007 assessing \$130,625 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Laredo, Docket No. 2005-1996-MLM-E on April 30, 2007 assessing \$45,300 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Anita Keese, Enforcement Coordinator at (956) 430-6034, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Valero Refining-Texas, L.P., Docket No. 2006-0012-AIR-E on April 30, 2007 assessing \$35,550 in administrative penalties with \$7,110 deferred.

Information concerning any aspect of this order may be obtained by contacting Kimberly Morales, Enforcement Coordinator at (713) 422-8938, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding D & K Development Corp., Docket No. 2006-0143-MWD-E on May 1, 2007 assessing \$60,300 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jorge Ibarra, Enforcement Coordinator at (817) 588-5890, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Wildwood Circle Property Owners Association, Inc., Docket No. 2006-0183-PWS-E on May 1, 2007 assessing \$1,150 in administrative penalties with \$230 deferred.

Information concerning any aspect of this order may be obtained by contacting Craig Fleming, Enforcement Coordinator at (512) 239-5806, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Amistad Ready Mix, Inc., Docket No. 2006-0414-WR-E on May 1, 2007 assessing \$5,675 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Anita Keese, Enforcement Coordinator at (956) 430-6034, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Jackson County Water Control & Improvement District No. 1, Docket No. 2006-0461-MWD-E on May 1, 2007 assessing \$12,680 in administrative penalties with \$2,536 deferred.

Information concerning any aspect of this order may be obtained by contacting Laurie Eaves, Enforcement Coordinator at (512) 239-4495, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Kriewaldt Tree Care, Inc., Docket No. 2006-0488-MSW-E on April 30, 2007 assessing \$1,400 in administrative penalties with \$280 deferred.

Information concerning any aspect of this order may be obtained by contacting Alison Echlin, Enforcement Coordinator at (512) 239-3308, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Oxy Vinyls, LP, Docket No. 2006-0573-AIR-E on April 30, 2007 assessing \$19,425 in administrative penalties with \$3,885 deferred.

Information concerning any aspect of this order may be obtained by contacting Nadia Hameed, Enforcement Coordinator at (713) 767-3629, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Kelly House dba House Water System, Docket No. 2006-0611-PWS-E on May 1, 2007 assessing \$788 in administrative penalties with \$158 deferred.

Information concerning any aspect of this order may be obtained by contacting Amy Martin, Enforcement Coordinator at (512) 239-2540, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Texas Department of Transportation, Docket No. 2006-0663-WQ-E on April 30, 2007 assessing \$11,800 in administrative penalties with \$2,360 deferred.

Information concerning any aspect of this order may be obtained by contacting Sherronda Martin, Enforcement Coordinator at (713) 767-3680, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding A.D. Wallace dba A.D. Wallace Custom Fence, Docket No. 2006-0745-MLM-E on April 30, 2007 assessing \$7,500 in administrative penalties with \$1,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Alison Echlin, Enforcement Coordinator at (512) 239-3308, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Town of Marshall Creek, Docket No. 2006-0748-PWS-E on May 1, 2007 assessing \$13,313 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Sandy VanCleave, Enforcement Coordinator at (512) 239-2670, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding John Nichols dba Best Cleaners, Docket No. 2006-0820-DCL-E on April 30, 2007 assessing \$105 in administrative penalties with \$21 deferred.

Information concerning any aspect of this order may be obtained by contacting Shontay Wilcher, Enforcement Coordinator at (512) 239-2136, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Ben E. Keith Company dba Ben E. Keith Beers, Docket No. 2006-0830-PST-E on May 1, 2007 assessing \$4,050 in administrative penalties with \$810 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Ohmstede Ltd., Docket No. 2006-0863-IWD-E on April 30, 2007 assessing \$6,000 in administrative penalties with \$1,200 deferred.

Information concerning any aspect of this order may be obtained by contacting John Muennink, Enforcement Coordinator at (361) 825-3423, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding M7 Aerospace LP, Docket No. 2006-0920-IHW-E on April 30, 2007 assessing \$5,712 in administrative penalties with \$1,142 deferred.

Information concerning any aspect of this order may be obtained by contacting Harvey Wilson, Enforcement Coordinator at (512) 239-0321, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding F. Basra Inc dba Mr & Mrs Cleaners, Docket No. 2006-0952-DCL-E on April 30, 2007 assessing \$308 in administrative penalties with \$62 deferred.

Information concerning any aspect of this order may be obtained by contacting Harvey Wilson, Enforcement Coordinator at (512) 239-0321, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Chedid, Inc. dba Conoco Mart 1, Docket No. 2006-0987-PST-E on May 1, 2007 assessing \$2,100 in administrative penalties with \$420 deferred.

Information concerning any aspect of this order may be obtained by contacting Shontay Wilcher, Enforcement Coordinator at (512) 239-2136, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Praxair, Inc., Docket No. 2006-1062-PWS-E on May 1, 2007 assessing \$2,050 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Amy Martin, Enforcement Coordinator at (512) 239-2540, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Jose F. Dallo dba Randolph Laundry & Cleaners, Docket No. 2006-1165-DCL-E on April 30, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Shontay Wilcher, Enforcement Coordinator at (512) 239-2136, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Texas Department of Transportation, Docket No. 2006-1220-WQ-E on May 1, 2007 assessing \$1,050 in administrative penalties with \$210 deferred.

Information concerning any aspect of this order may be obtained by contacting Ruben Soto, Enforcement Coordinator at (512) 239-4571, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Husaini, Inc. dba Memorial Village Cleaners and dba Prince Cleaners, Docket No. 2006-1297-DCL-E on April 30, 2007 assessing \$3,201 in administrative penalties with \$639 deferred.

Information concerning any aspect of this order may be obtained by contacting Audra Ruble, Enforcement Coordinator at (361) 825-3126, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Dolores M. Valdez and In-gilberto Rivera dba Rivas Super Store, Docket No. 2006-1310-AIR-E on April 30, 2007 assessing \$1,240 in administrative penalties with \$248 deferred.

Information concerning any aspect of this order may be obtained by contacting Jessica Rhodes, Enforcement Coordinator at (512) 239-2879, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Gloria Saldana dba Rex Cleaners, Docket No. 2006-1317-DCL-E on April 30, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Colin Barth, Enforcement Coordinator at (512) 239-0086, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Vopak Logistics Services USA Inc., Docket No. 2006-1347-AIR-E on April 30, 2007 assessing \$55,328 in administrative penalties with \$11,066 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Johnson, Enforcement Coordinator at (713) 422-8931, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Deluxe Enterprises, Inc. dba Zip Cleaners, Docket No. 2006-1465-DCL-E on April 30, 2007 assessing \$3,555 in administrative penalties with \$711 deferred.

Information concerning any aspect of this order may be obtained by contacting Shontay Wilcher, Enforcement Coordinator at (512) 239-2136, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Sun Ha dba College Station Cleaners and dba Discount Cleaners, Docket No. 2006-1474-DCL-E on April 30, 2007 assessing \$4,740 in administrative penalties with \$948 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Ok Hui Choi Kim dba Stars Cleaners, Docket No. 2006-1534-DCL-E on April 30, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Colin Barth, Enforcement Coordinator at (512) 239-0086, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding EZ Pickens Auto Ranch, Inc., Docket No. 2006-1596-WQ-E on May 1, 2007 assessing \$8,925 in administrative penalties with \$1,785 deferred.

Information concerning any aspect of this order may be obtained by contacting Libby Hogue, Enforcement Coordinator at (512) 239-1165, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding US of True Corporation dba USA Cleaners, Docket No. 2006-1605-DCL-E on April 30, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Baha Capital Enterprises, Inc. dba Dry Clean Super Center, Docket No. 2006-1611-DCL-E on April 30, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Cari-Michel La Caille, Enforcement Coordinator at (512) 239-1387, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Naail Investments, Inc. dba Super Cleaners 1 and dba Super Cleaners 2, Docket No. 2006-1641-DCL-E on April 30, 2007 assessing \$1,778 in administrative penalties with \$356 deferred.

Information concerning any aspect of this order may be obtained by contacting Samuel Short, Enforcement Coordinator at (512) 239-5363, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Milano Independent School District, Docket No. 2006-1660-MSW-E on April 30, 2007 assessing \$1,050 in administrative penalties with \$210 deferred.

Information concerning any aspect of this order may be obtained by contacting Dana Shuler, Enforcement Coordinator at (512) 239-2505, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Trinity Industries, Inc., Docket No. 2006-1666-AIR-E on April 30, 2007 assessing \$3,500 in administrative penalties with \$700 deferred.

Information concerning any aspect of this order may be obtained by contacting Bryan Elliott, Enforcement Coordinator at (512) 239-6162, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Betty J. Starling dba Betty's Cleaners, Docket No. 2006-1674-DCL-E on April 30, 2007 assessing \$1,067 in administrative penalties with \$214 deferred.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Lake Somerville Marina and Campground Incorporated, Docket No. 2006-1686-PWS-E on May 1, 2007 assessing \$2,000 in administrative penalties with \$400 deferred.

Information concerning any aspect of this order may be obtained by contacting Epifanio Villareal, Enforcement Coordinator at (210) 403-4033, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Robinson, Docket No. 2006-1741-PWS-E on May 1, 2007 assessing \$1,994 in administrative penalties with \$399 deferred.

Information concerning any aspect of this order may be obtained by contacting Epifanio Villareal, Enforcement Coordinator at (210) 403-

4033, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Southwest Convenience Stores, LLC dba 7 Eleven 57409, Docket No. 2006-1749-PST-E on May 1, 2007 assessing \$4,500 in administrative penalties with \$900 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Timms Trucking and Excavating, Ltd., Docket No. 2006-1795-WQ-E on May 1, 2007 assessing \$3,000 in administrative penalties with \$600 deferred.

Information concerning any aspect of this order may be obtained by contacting Cari-Michel La Caille, Enforcement Coordinator at (512) 239-1387, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Valero Refining-Texas, L.P., Docket No. 2006-1824-PST-E on May 1, 2007 assessing \$10,000 in administrative penalties with \$2,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Aransas County Municipal Utility District No. 1, Docket No. 2006-1828-PWS-E on May 1, 2007 assessing \$750 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Amy Martin, Enforcement Coordinator at (512) 239-2540, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Esteem Enterprises, Inc. dba Speedy Mart 1, Docket No. 2006-1861-PST-E on May 1, 2007 assessing \$4,000 in administrative penalties with \$800 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding K & S Mart, Inc. dba Glad Mart, Docket No. 2006-1873-PST-E on May 1, 2007 assessing \$3,825 in administrative penalties with \$765 deferred.

Information concerning any aspect of this order may be obtained by contacting Patricia Chawla, Enforcement Coordinator at (512) 239-0739, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of White Oak, Docket No. 2006-1879-MWD-E on May 1, 2007 assessing \$2,600 in administrative penalties with \$520 deferred.

Information concerning any aspect of this order may be obtained by contacting Lynley Doyen, Enforcement Coordinator at (512) 239-1364, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Don French dba Riviera Mobile Home Park, Docket No. 2006-1882-PWS-E on May 1, 2007 assessing \$1,092 in administrative penalties with \$218 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher Miller, Enforcement Coordinator at (512) 239-

6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Raymond Huff dba Detail Masters, Docket No. 2006-1914-PST-E on May 1, 2007 assessing \$3,000 in administrative penalties with \$600 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding GWG Wood Group, Inc., Docket No. 2006-1949-MSW-E on April 30, 2007 assessing \$1,000 in administrative penalties with \$200 deferred.

Information concerning any aspect of this order may be obtained by contacting Clinton Sims, Enforcement Coordinator at (512) 239-6933, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Port of Houston Authority dba APM Terminals, Docket No. 2007-0167-PST-E on April 30, 2007 assessing \$875 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Steven Lopez, Enforcement Coordinator at (512) 239-1896, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding City of Rio Grande City, Docket No. 2007-0171-WQ-E on April 30, 2007 assessing \$875 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steven Lopez, Enforcement Coordinator at (512) 239-1896, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Jose Herrera Jr., Docket No. 2007-0243-PWS-E on April 30, 2007 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Steven Lopez, Enforcement Coordinator at (512) 239-1896, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding McLane Company, Inc. dba McLane High Plains, Docket No. 2007-0244-PST-E on April 30, 2007 assessing \$875 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Steven Lopez, Enforcement Coordinator at (512) 239-1896, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Wholesale Electric Supply Company, Inc., Docket No. 2007-0245-PST-E on April 30, 2007 assessing \$875 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Steven Lopez, Enforcement Coordinator at (512) 239-1896, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Arthur D. Hendricks III, Docket No. 2007-0267-WOC-E on April 30, 2007 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Steven Lopez, Enforcement Coordinator at (512) 239-1896,

Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-200701792

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 9, 2007



Notice of a Proposed Amendment of a General Permit Authorizing the Discharge of Wastewater

The Texas Commission on Environmental Quality (TCEQ) proposes to amend and renew a general permit (Texas Pollutant Discharge Elimination System Permit No. TXG830000) authorizing the discharge of water contaminated by petroleum fuel or petroleum substances into or adjacent to water in the state. The proposed general permit applies to the entire state of Texas. General permits are authorized by Section 26.040 of the Texas Water Code.

PROPOSED GENERAL PERMIT. The Executive Director has prepared a draft amendment with renewal of an existing general permit that authorizes the discharge of water contaminated by petroleum fuel or petroleum substances. The permit amendment is for a reduction in the pH monitoring frequency to be consistent with monitoring frequencies for other parameters. No significant degradation of high quality waters is expected and existing uses will be maintained and protected. The Executive Director proposes to require regulated dischargers to submit a Notice of Intent (NOI) to obtain authorization for some discharges.

The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to Coastal Coordination Council (CCC) regulations, and has determined that the action is consistent with applicable CMP goals and policies.

A copy of the proposed general permit and fact sheet are available for viewing and copying at the Office of the Chief Clerk located at TCEQ's Austin office, at 12100 Park 35 Circle, Building F. These documents are also available at the TCEQ's sixteen (16) regional offices and on the TCEQ website at http://www.tceq.state.tx.us/nav/permits/wq_general.html.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this proposed general permit. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the proposed general permit. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the proposed general permit or if requested by a local legislator. A public meeting is not a contested case hearing.

Written public comments must be submitted to TCEQ, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, TX 78711-3087 within 30 days from the date this notice is published in the *Texas Register*.

APPROVAL PROCESS. After the comment period, the Executive Director will consider all the public comments and prepare a written response. The response will be filed with the TCEQ Office of the Chief Clerk at least 10 days before the scheduled Commission meeting when the commission will consider approval of the general permit. The commission will consider all public comment in making its decision and will either adopt the Executive Director's response or prepare its own response. The Commission will issue its written response on the general permit at the same time the Commission issues or denies the general permit. A copy of any issued general permit and response to com-

ments will be made available to the public for inspection at the agency's Austin and regional offices. A notice of the Commissioner's action on the proposed general permit and a copy of its response to comments will be mailed to each person who made a comment. Also, a notice of the Commission's action on the proposed general permit and the text of its response to comments will be published in the *Texas Register*.

MAILING LISTS. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: (1) the mailing list for this specific general permit; (2) the permanent mailing list for a specific applicant name and permit number; and/or (3) the permanent mailing list for a specific county. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address above. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at: www.tceq.state.tx.us.

Further information may also be obtained by calling the TCEQ's Water Quality Division, Industrial Permits Team, at (512) 239-4671.

Si desea información en Español, puede llamar 1-800-687-4040.

TRD-200701791

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 9, 2007



Notice of Water Quality Applications

The following notices were issued during the period of April 24, 2007 through May 3, 2007.

The following require the applicants to publish notice in a newspaper. Public comments, requests for public meetings, or requests for a contested case hearing may be submitted to TCEQ, Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, **WITHIN 30 DAYS OF THE DATE OF NEWSPAPER PUBLICATION OF THE NOTICE.**

Aqua Utilities, Inc. has applied for a renewal of TPDES Permit No. WQ0011974001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The facility is located approximately 400 feet south of Rockwall Lake Dam and approximately 400 feet northwest of the point where Farm-to-Market Road 3097 crosses Buffalo Creek in Rockwall County, Texas.

Chireno Independent School District has applied for a renewal of TPDES Permit No. 13917-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 10,000 gallons per day. The facility is located on the north side of Farm-to-Market Road 95 approximately 0.5 mile south of the junction of Highway 21 and Farm-to-Market Road 95 in Nacogdoches County, Texas.

Cole Creek Business Park Association, Inc. has applied for a renewal of TPDES Permit No. 13996-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 49,800 gallons per day. The facility is located approximately 0.2 mile northwest of the intersection of Fairbanks-North Houston Road and West Little York Road and approximately 0.65 mile northwest of the

intersection of U.S. Highway 290 and Fairbanks-North Houston Road in Harris County, Texas.

Fort Bend County MUD No. 50 has applied for a new permit, proposed TPDES Permit No. WQ0014763001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,500,000 gallons per day. The facility will be located approximately 1,700 feet northeast of the intersection of the Grand Parkway (SH 99) and Bellaire Boulevard in Fort Bend County, Texas.

Green Trails Municipal Utility District has applied for a renewal of TPDES Permit No. 12289-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The facility is located on the north bank of Mason Creek, approximately 2 miles south of Interstate Highway 10, between Baker Road and Fry Road in Harris County, Texas.

H-M-W Special Utility District has applied for a renewal of TPDES Permit No. 14266001 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 51,000 gallons per day. The facility is located approximately 1-1/2 miles southwest of the intersection of Farm-to-Market Road 149 and Farm-to-Market Road 2978 in Montgomery County, Texas.

Jackrabbit Road Public Utility District has applied to the TCEQ for a renewal of TPDES Permit No. WQ0011290001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 5,100,000 gallons per day. The facility is located approximately 3 miles north of the intersection of Interstate Highway 10 and State Highway 6 and 0.8 miles west of the intersection of State Highway 6 (Addicks - Satsuma Road) and Clay Road, adjacent to the intersection of Pine Forest Lane and Trey Lane in Harris County, Texas.

Livingston Care Associates, Inc. and Polk Health Holdings LLC, have applied for a renewal of TPDES Permit No. 13388-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 12,000 gallons per day. The facility is located on the west side of U.S. Highway 59 approximately 3.5 miles northeast of the City of Livingston and south of the town of Marston in Polk County, Texas.

City of Montgomery has applied for a renewal of TPDES Permit No. 11521-001 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day. The facility is located north of the City of Montgomery, approximately 4000 feet north of the intersection of Farm-to-Market Road 149 and State Highway 105, just west of the point where Farm-to-Market Road crosses Town Creek in Montgomery County, Texas.

Montgomery County Municipal Utility District No. 99 has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TPDES Permit No. WQ0014604001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 580,000 gallons per day to an annual average flow not to exceed 1,500,000 gallons per day. The facility is located approximately 2,000 feet east of the centerline of Aldine Westfield Road and approximately 1,700 feet north of the intersection of Fountain Brook Park Lane and Trinity Park Lane in Montgomery County, Texas.

North Texas Municipal Water District has applied for a renewal of TPDES Permit No. WQ0010257001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 4,750,000 gallons per day. The facility is located approximately 2,310 feet southwest of the intersection of Spring Valley Road and State Highway 75 in the City of Richardson in Dallas County, Texas.

Remington Municipal Utility District No. 1 has applied to the TCEQ for a major amendment to TPDES Permit No. 13328-001 to authorize

a decrease in the effluent monitoring frequency to match the requirements of 30 TAC §319.9 (Table 1). The current permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 1,100,000 gallons per day. The facility is located approximately 2.3 miles due south of the intersection of U.S. Highway 290 and Barker Cypress Road in Harris County, Texas.

William Donald Smith has applied for a renewal of TPDES Permit No. WQ0013770001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day. The facility is located approximately 0.75 mile west of the intersection of State Highway 289 and Veteran Memorial Parkway in Harris County, Texas.

Spring-Lake Earth Independent School District has applied to the TCEQ for a major amendment to Permit No. WQ0013385001 to authorize an increase in the daily average flow from 1,000 gallons per day to 10,000 gallons per day and to change the method of disposal from evaporation to a non-public access subsurface drip irrigation system with a minimum area of 100,000 square feet. The existing permit authorizes the disposal of treated domestic wastewater at a daily average flow of 1,000 gallons per day via evaporation. This permit will not authorize a discharge of pollutants into waters in the State. The wastewater treatment facility is located on the school property just south of the intersection of Farm-to-Market Roads 302 and 2901, the existing evaporation ponds are located about 0.25 miles north of this intersection, and the proposed subsurface drip irrigation system will be located about 0.5 miles south of this intersection, in Lamb County, Texas.

Texas Department of Criminal Justice has applied for a renewal of TPDES Permit No. 11176-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 975,000 gallons per day. The facility is located within the Texas Department of Criminal Justice Ferguson Unit property, approximately four-tenths of a mile northeast of the intersection of Farm-to-Market Road 247 and Farm-to-Market Road 1428, approximately 20 miles north/northwest of the City of Huntsville in Madison County, Texas

Thirty-Two Real Estate Investment, Ltd. has applied for a renewal of TPDES Permit No. 13395-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day. The facility is located approximately 100 feet south of Farm-to-Market Road 1097 and 0.25 mile east of Lake Conroe in Montgomery County, Texas.

City of Throckmorton has applied for a renewal of TPDES Permit No. WQ0010469002, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 120,000 gallons per day. The facility is located approximately 1,500 feet east of U.S. Highway 183 and 2,500 feet south of U.S. Highway 380 in Throckmorton County, Texas.

Val Verde Development Co. has applied for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014777001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The facility will be located between the City of Del Rio and Laughlin Air Force Base, approximately 1,000 feet northwest of U.S. Highway 277 and approximately 500 feet west of Spur 317 in Val Verde County, Texas.

City of Weatherford has applied for a renewal of TPDES Permit No. WQ0010380002, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 4,500,000 gallons per day. The application includes a request for a temporary variance to the existing water quality standard for dissolved oxygen in accordance with 30 TAC §307.2(d)(5). The receiving waters, Town Creek and the

South Fork Trinity River, have both been determined to be perennial streams supporting an intermediate aquatic life use with a 4.0 mg/l dissolved oxygen criterion; however, without a variance, the final effluent limits must meet at least a high aquatic life use (5.0 mg/l DO) in both streams in accordance with 30 TAC §307.4(h)(1). The temporary variance would allow time for consideration of a site specific standard which would be adopted in 30 TAC §307.10 Appendix D. The facility is located at 1327 Eureka Street approximately 4,000 feet north-northwest of the intersection of Interstate Highway 20 and Farm-to-Market Road 2552 in Parker County, Texas.

West Harris County Municipal Utility District No. 4 has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of TPDES Permit No. 12119-001 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 280,000 gallons per day. The facility is located at 4127 Westheimer Place on the south bank of Brays Bayou, approximately 1 mile east of the intersection of Farm-to-Market Road 1093 and Farm-to-Market Road 1464 in Harris County, Texas.

INFORMATION SECTION

To view the complete issued notices, view the notices on our web site at www.tceq.state.tx.us/comm_exec/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

If you need more information about these permit applications or the permitting process, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200701790

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 9, 2007



Proposal for Decision

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality on May 1, 2007, in the matter of the Executive Director of the Texas Commission on Environmental Quality, Petitioner v. GB's Self Serve, Inc.; SOAH Docket No. 582-07-0102; TCEQ Docket No. 2005-1744-PST-E. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against GB's Self Serve, Inc. on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Paul Munguia, Office of the Chief Clerk, (512) 239-3300.

TRD-200701793

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 9, 2007



Proposal for Decision

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality (commission) on April 30, 2007, in the matter of the Executive Director of the Texas Commission on Environmental Quality, Petitioner v. Touche International, Inc.; SOAH Docket No. 582-05-9439; TCEQ Docket No. 2004-1649-MSW-E. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against Touche International, Inc. on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Paul Munguia, Office of the Chief Clerk, (512) 239-3300.

TRD-200701794

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 9, 2007



Proposal for Decision

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality (commission) on April 27, 2007, in the matter of the Executive Director of the Texas Commission on Environmental Quality, Petitioner v. Chico Auto Parts & Service, Inc.; SOAH Docket No. 582-07-1469; TCEQ Docket No. 2006-0901-MLM-E. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against Chico Auto Parts & Service, Inc. on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Paul Munguia, Office of the Chief Clerk, (512) 239-3300.

TRD-200701795

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 9, 2007

Texas Health and Human Services Commission

Public Notice

The Texas Health and Human Services Commission (HHSC) announces its intent to submit the State's application for a renewal of the NorthSTAR Program §1915(b) waiver to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The current waiver is scheduled to expire September 30, 2007.

The NorthSTAR Program ("NorthSTAR") is a behavioral health service managed care program, through which mental and emotional health and substance abuse services are provided to eligible consumers. NorthSTAR serves seven counties in Texas: Collin, Dallas, Ellis, Hunt, Kaufman, Navarro and Rockwall.

NorthSTAR is administered through a contract with a behavioral health organization (BHO). The BHO contract includes outcome and performance measures specifically designed for behavioral health. The BHO is required to subcontract with a specialty provider network for the provision of a set of specialty treatment services and service coordination services for enrollees with serious mental illness and serious emotional disturbance. The BHO is also contractually required to maintain an adequate network for other provider specialties for behavioral health. These include psychiatrists, psychologists, licensed therapists, substance abuse treatment facilities, and hospitals.

HHSC is requesting that the waiver renewal be approved for a two-year period beginning October 1, 2007. This waiver maintains cost neutrality of service costs for federal fiscal years 2007 through 2009.

To obtain additional information or copies of the waiver renewal, interested parties may contact Carmen Capetillo by mail at Health and Human Services Commission, P.O. Box 85200, H-620, Austin, Texas 78708-5200; by telephone at (512) 491-1128; by facsimile at (512) 491-1953; or by e-mail at carmen.capetillo@hhsc.state.tx.us.

TRD-200701739

Steve Aragón

Chief Counsel

Texas Health and Human Services Commission

Filed: May 3, 2007



Department of State Health Services

Licensing Actions for Radioactive Materials

LICENSING ACTIONS FOR RADIOACTIVE MATERIALS

The Department of State Health Services has taken actions regarding Licenses for the possession and use of radioactive material as listed in the tables. The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Bay City	Oxea Corporation	L06073	Bay City	00	04/13/07
Conroe	Adnan Afzal MD FACC	L06071	Conroe	00	04/20/07
Lufkin	East Texas Hematology and Oncology PA	L06039	Lufkin	00	04/17/07
Texarkana	Urology Surgery Center of Texarkana LTD DBA Specialty Day Surgery Center	L06038	Texarkana	00	04/17/07
Throughout TX	Marco Inspection Services LLC	L06072	Kilgore	00	04/04/07

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Alvin	Ineos USA LLC	L01422	Alvin	67	04/17/07
Alvin	Solutia Inc	L00219	Alvin	75	04/25/07
Amarillo	Amarillo Medical Specialists LLP	L05525	Amarillo	07	04/11/07
Amarillo	Northwest Texas Healthcare System Inc DBA Northwest Texas Hospital	L02054	Amarillo	79	04/11/07
Andrews	Andrews County Hospital District DBA Permian Regional Medical Center	L03158	Andrews	24	04/25/07
Arlington	Arlington Memorial Hospital	L02217	Arlington	85	04/11/07
Arlington	D Harris Consulting	L04845	Arlington	08	04/19/07
Austin	St Davids Healthcare Partnership LLP DBA North Austin Medical Center	L04910	Austin	70	04/17/07
Bartlesville, Ok	ConocoPhillips Company	L01634	Bartlesville, Ok	49	04/05/07
Baytown	Bayer Materialscience LLC	L01577	Baytown	62	04/25/07
Bedford	Harris Methodist Hospital – HEB	L02303	Bedford	33	04/11/07
Bryan	Osmonics-Poretics	L04065	Bryan	08	04/13/07
Center	Tenet Healthcare Inc DBA Shelby Regional Medical Center	L03608	Center	31	04/25/07
Channelview	Xxstream Pipe Services LLC	L02576	Channelview	24	04/25/07
Columbus	Columbus Community Hospital	L03508	Columbus	17	04/26/07
Corpus Christi	The Corpus Christi Medical Center Bay Area	L04723	Corpus Christi	46	04/12/07
Cypress	North Cypress Medical Center Operating Co DBA North Cypress Medical Center	L06020	Cypress	03	04/25/07
Dallas	Cardiology Consultants of Texas	L04997	Dallas	36	04/17/07
Dallas	Methodist Hospitals of Dallas Radiology Svcs	L00659	Dallas	52	04/25/07
Dallas	University of Texas Southwestern Medical Center at Dallas	L05947	Dallas	07	04/16/07
Decatur	Wise Regional Health System	L02382	Decatur	27	04/18/07
Edinburg	Doctors Hospital at Renaissance LTD DBA Doctors Hospital at Renaissance	L05761	Edinburg	14	04/25/07
El Campo	West Wharton County Hospital District DBA El Campo Memorial Hospital	L02664	El Campo	16	04/18/07
El Paso	Blood Systems Inc DBA United Blood Services	L05841	El Paso	04	04/17/07
El Paso	BRK Brands Inc	L03725	El Paso	13	04/26/07
El Paso	Center for Integrative Cancer Medicine PA	L05580	El Paso	01	04/18/07

AMENDMENTS TO EXISTING LICENSES ISSUED (Continued):

Location	Name	License #	City	Amendment #	Date of Action
El Paso	El Paso Healthcare System LP DBA Del Sol Diagnostic Center	L03395	El Paso	43	04/19/07
El Paso	Southwest X-Ray LP	L05207	El Paso	06	04/26/07
Fort Worth	Naresh H Patel MD PA DBA Texas Cardiology Clinic	L05520	Fort Worth	05	04/11/07
Fort Worth	Texas Christian University	L01096	Fort Worth	39	04/10/07
Freeport	Brazos Pipe & Steel Fabricators Inc	L02186	Freeport	25	05/01/07
Grand Prairie	Richemont North America Inc	L05047	Grand Prairie	07	04/13/07
Grapevine	Baylor Medical Center at Grapevine	L03320	Grapevine	24	04/13/07
Grapevine	Cardiovascular Consultants of North Texas LLP	L04627	Grapevine	17	04/12/07
Harlingen	Texas Oncology PA DBA South Texas Cancer Center Harlingen	L00154	Harlingen	32	04/11/07
Houston	Baylor College of Medicine Office of Environmental Safety	L00680	Houston	92	04/13/07
Houston	Cogenics Inc	L04387	Houston	18	04/18/07
Houston	Columbia/HCA Healthcare Corp DBA Spring Branch Medical Center	L02473	Houston	59	04/10/07
Houston	Petnet Houston LLC DBA Petnet Houston LLC	L05542	Houston	12	04/17/07
Houston	St Lukes Health System Corporation DBA St Lukes Episcopal Health System And Texas Heart Institute	L00581	Houston	86	04/19/07
Houston	Texas Southern University	L03121	Houston	24	04/20/07
Houston	University of Houston	L01886	Houston	57	04/24/07
Houston	V B Shenoy MD PA DBA Northwest Cardiology Clinic	L5513	Houston	05	04/19/07
Irving	Baylor Medical Center at Irving DBA Irving Healthcare System	L02444	Irving	67	04/24/07
Irving	COR Specialty Associates of North Texas PA	L05373	Irving	11	04/24/07
Katy	Hector Ubaldo MD PA DBA Physicians of Katy	L05876	Katy	04	04/23/07
Katy	Memorial City Cardiology Associates DBA Katy Cardiology Associates	L05713	Katy	08	04/19/07
Kilgore	Laird Memorial Hospital	L03496	Kilgore	25	04/25/07
La Porte	E I Dupont De Nemours & Company	L00314	La Porte	84	04/16/07
La Porte	Total Petrochemicals USA Inc	L04640	La Porte	20	04/24/07
Lancaster	Medical Center at Lancaster	L03342	Lancaster	29	04/18/07
Laredo	Laredo Texas Hospital Company LP DBA Laredo Medical Center	L01306	Laredo	60	04/23/07
Lewisville	Columbia Medical Center of Lewisville Subsidiary LP DBA Medical Center of Lewisville	L02739	Lewisville	52	04/17/07
Lubbock	Cardinal Health	L02737	Lubbock	53	04/30/07
Lubbock	Covenant Health System DBA Covenant Imaging Center	L04005	Lubbock	18	04/12/07
Lubbock	Covenant Health System DBA Joe Arrington Cancer Research and Treatment Center	L06028	Lubbock	05	04/10/07
Lubbock	Radiation Oncology of the South Plains PA DBA Lubbock Imaging Center	L05418	Lubbock	10	04/11/07
Lubbock	Texas Tech University	L01536	Lubbock	79	04/11/07
McAllen	Cardiovascular Consultants of McAllen PA	L05126	McAllen	17	04/25/07
Mesquite	Southwest Cardiac Associates	L05589	Mesquite	04	04/26/07
Midlothian	Holcim (Texas) LP	L05888	Midlothian	06	04/16/07
Mission	Mission Hospital	L02802	Mission	37	04/17/07

AMENDMENTS TO EXISTING LICENSES ISSUED (Continued):

Location	Name	License #	City	Amend- ment #	Date of Action
Nacogdoches	Memorial Hospital	L01071	Nacogdoches	41	04/25/07
New Braunfels	McKenna Memorial Hospital DBA McKenna Memorial Hospital Outpatient Imaging Center	L05995	New Braunfels	02	04/11/07
North Richland Hills	Columbia North Hills Hospital Subsidiary LP DBA North Hills Hospital	L02271	North Richland Hills	52	04/11/07
Odessa	University of Texas of the Permian Basin	L2695	Odessa	12	04/18/07
Paris	Essent PRMC LP DBA Paris Regional Medical Center	L03199	Paris	40	04/18/07
Paris	Turner Industries Group LLC DBA Pipe Fabrications Division Texas Operations	L05237	Paris	15	04/16/07
Plano	Texas Heart Hospital of the Southwest LLP DBA The Heart Hospital Baylor Plano	L06004	Plano	03	04/18/07
Rockdale	TXU Generation Co LP DBA TXU Power	L04075	Rockdale	10	05/01/07
San Angelo	West Texas Medical Associates	L05849	San Angelo	02	04/19/07
San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	88	04/18/07
San Antonio	Jawad Zar Shaikh MD DBA Jawad Zar Shaikh MD	L06019	San Antonio	01	04/25/07
San Antonio	Methodist Healthcare System of San Antonio LTD DBA The Gamma Knife Center	L05076	San Antonio	20	04/18/07
San Antonio	Methodist Healthcare System of San Antonio DBA Methodist Hospital	L00594	San Antonio	229	04/23/07
San Antonio	Metro North Cardiovascular Associates PA DBA Metro North Clinic	L05235	San Antonio	12	04/16/07
Stafford	Sugar Land Veterinary Specialists PC	L05903	Stafford	02	04/13/07
Sugar Land	Methodist Sugar Land Hospital	L05788	Sugar Land	08	04/13/07
Sugar Land	Methodist Sugar Land Hospital	L05788	Sugar Land	09	04/18/07
Texarkana	Christus Health ARK-LA-TEX DBA Christus Saint Michael Health System	L04805	Texarkana	18	04/18/07
Texas City	Marathon Petroleum Company LLC	L04431	Texas City	24	04/23/07
Throughout TX	Professional Service Industries	L04947	Austin	16	04/19/07
Throughout TX	Exxonmobil Chemical Company	L01135	Baytown	68	04/25/07
Throughout TX	NDE Solutions LLC	L05879	Bryan	10	04/26/07
Throughout TX	Numed Imaging Centers Inc	L05762	Cleburne	07	04/17/07
Throughout TX	Berry Fabricators	L01575	Corpus Christi	51	04/25/07
Throughout TX	South Texas Mining Venture LLP	L06017	Corpus Christi	01	04/25/07
Throughout TX	Wilson Inspection X-Ray Services Inc	L04469	Corpus Christi	56	04/25/07
Throughout TX	Diamondback Energy Service DBA Diamondback Pumping Services LP	L06016	Cresson	04	04/24/07
Throughout TX	Abacus Environment Inc	L05882	Dallas	01	04/26/07
Throughout TX	Irisndt Inc	L04769	Deer Park	37	04/26/07
Throughout TX	Radiation Consultants Inc	L02179	Deer Park	38	04/25/07
Throughout TX	Kiewit Texas Construction LP	L04569	Fort Worth	20	04/24/07
Throughout TX	Precision Energy Services Inc	L04286	Fort Worth	67	04/12/07
Throughout TX	Aitec USA Investments Inc DBA Aitec USA Inc and Weldsonix Inc	L05718	Houston	28	04/13/07
Throughout TX	H&G Inspection Company Inc DBA Statewide Maintenance Company	L02181	Houston	217	04/26/07
Throughout TX	LFC Inc	L05970	Houston	02	04/26/07
Throughout TX	Q Pro Inc DBA Q Pro Technical Services	L05980	Houston	01	04/23/07
Throughout TX	Stork Southwestern Laboratories Inc	L00299	Houston	127	04/12/07

AMENDMENTS TO EXISTING LICENSES ISSUED (Continued):

Location	Name	License #	City	Amendment #	Date of Action
Throughout TX	Wood Group Logging Services Inc	L05262	Houston	23	04/24/07
Throughout TX	Goolsby Testing Laboratories Inc	L03115	Humble	87	04/19/07
Throughout TX	Oceaneering International Inc	L04463	Ingleside	49	04/13/07
Throughout TX	Oceaneering International Inc	L04463	Ingleside	50	04/20/07
Throughout TX	Oceaneering International Inc	L04463	Ingleside	51	04/25/07
Throughout TX	Master Industries Inc	L05872	Liberty	08	04/24/07
Throughout TX	Master Industries Inc	L05872	Liberty	09	04/26/07
Throughout TX	Western Anatec Inc	L04865	Nederland	70	04/18/07
Throughout TX	Conam Inspection & Engineering Inc	L05010	Pasadena	123	04/25/07
Throughout TX	Quantum Technical Services Inc	L03731	Pasadena	29	04/26/07
Throughout TX	Texas Gamma Ray LLC	L05561	Pasadena	73	04/25/07
Throughout TX	Tracerco/Synetix Services	L03096	Pasadena	62	04/27/07
Throughout TX	Midwest Inspection Services	L03120	Perryton	99	04/12/07
Throughout TX	Intec	L05150	San Antonio	10	04/16/07
Throughout TX	Isbell Engineering Group Inc	L05355	Sanger	15	04/16/07
Throughout TX	Schlumberger Technology Corporation	L00764	Sugar Land	102	04/27/07
Throughout TX	BJ Services Company USA	L02684	Tomball	55	04/13/07
Throughout TX	Associated Wireline Services Inc	L00835	Wichita Falls	15	04/26/07
Tomball	Arvind M Pai MD PA DBA Arvind M Pai MD	L06008	Tomball	01	04/25/07
Tyler	Allens Nutech Inc DBA Nutech Inc	L05511	Tyler	10	04/26/07
Tyler	Nutech Inc	L04274	Tyler	58	04/17/07
Tyler	Nutech Inc	L04274	Tyler	59	04/19/07
Tyler	Trinity Mother Frances Health System	L01670	Tyler	127	04/13/07
Waco	Providence Health Center	L01638	Waco	53	04/18/07
Waco	Texas State Technical College Waco	L01926	Waco	37	04/11/07
Waxahachie	Baylor Medical Center at Waxahachie	L04536	Waxahachie	30	04/11/07
Webster	Cardiovascular Associates of Clear Lake PA	L05549	Webster	07	04/12/07
Webster	CHCA Clear Lake LP DBA Clear Lake Regional Medical Center	L01680	Webster	73	04/18/07
Webster	Diagnostic Systems Laboratories Inc	L03084	Webster	33	04/26/07
Weslaco	Knapp Medical Center	L03290	Weslaco	39	04/12/07
Weslaco	Knapp Medical Center	L03290	Weslaco	40	04/25/07
Wichita Falls	Clinics of North Texas LLP	L00523	Wichita Falls	51	04/24/07
Wichita Falls	United Regional Health Care System Inc	L00350	Wichita Falls	104	04/24/07

RENEWAL OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Conroe	Sadler Clinic/Montgomery County Management Company	L04899	Conroe	23	04/17/07
Corpus Christi	Radiology & Imaging of South Texas LLP DBA Alameda Imaging Center	L05182	Corpus Christi	18	04/16/07
Dallas	Petnet Solutions Inc	L05193	Dallas	26	04/30/07
Houston	Antoine G Younis MD PA	L05313	Houston	09	04/24/07
Killeen	Metroplex Health System DBA Metroplex Hospital	L03185	Killeen	29	04/27/07
Orange	Lanxess Corporation	L00976	Orange	56	04/19/07
San Antonio	Trinity University	L01668	San Antonio	41	04/25/07
San Antonio	San Antonio Heart Associates PA	L04860	San Antonio	20	04/30/07
Stephenville	Harris Methodist Erath County	L03097	Stephenville	29	05/01/07
Texas City	INEOS USA LLC	L00354	Texas City	35	04/24/07
Throughout TX	Wood Group Logging Services Inc	L05262	Houston	22	04/16/07

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Jasper	Numed Imaging Centers	L05202	Jasper	09	04/20/07
Waco	Baylor University	L01136	Waco	28	04/11/07

In issuing new licenses, amending and renewing existing licenses, or approving license exemptions, the Department of State Health Services (department), Radiation Safety Licensing Branch, has determined that the applicant has complied with the applicable provisions of Title 25 Texas Administrative Code (TAC), Chapter 289 regarding radiation control. In granting termination of licenses, the department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In denying the application for a license, license renewal or license amendment, the department has determined that the applicant has not met the applicable requirements of 25 TAC, Chapter 289.

This notice affords the opportunity for a hearing on written request of a person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. A person affected may request a hearing by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756-3189. For information call (512) 834-6688.

TRD-200701770
Cathy Campbell
General Counsel
Department of State Health Services
Filed: May 8, 2007

University of Houston System

Notice of Request for Proposal

In compliance with Chapter 2254, Texas Government Code, and the University of Houston System for and in behalf of the University of Houston - Clear Lake (UHCL) furnishes this notice of request for proposal. The University of Houston - Clear Lake is seeking to hire a nationally recognized enrollment management firm that will assist in the continued development of a comprehensive enrollment plan in order to increase UHCL's enrollment by improving the infrastructure necessary to improve retention and student success via the development (setup) of the academic advising module. The academic advising module will allow the University to come into compliance with the State of Texas mandate that requires students to have access to an online progress reporting system to track their progress towards graduation. This advice and consultation is authorized and supported by the UHCL President as being of substantial need and necessary in performing the needed evaluation. Interested parties are invited to express their interest and describe their capabilities on or before June 18, 2007.

The term of the contract is to be for a two (2) year period beginning on or about July 1, 2007 and ending June 30, 2009, subject to one (1) year renewal option. Further technical information can be obtained from Mike Schurwon at (281) 283-2154. All proposals must be specific and must be responsive to the criteria set forth in this request.

SCOPE OF WORK: The Consultant will be expected to have in place at the conclusion of this project the following: (i) A strategic infrastructure necessary to improve retention and student success via the development (setup) of the academic advising module in PeopleSoft 8.9, ii) an established higher education best practice for enrollment management that will lead to improved operational efficiencies in the academic advising function, and (iii) improved operational processes to allow students to have access to an online progress reporting system to track

their progress towards graduation. UHCL anticipates the Contractor to provide approximately six (6) two-day on-site retention and enrollment operations consultations to complete the required scope of work. UHCL reserves the right to request additional on-site visits during the term of the contract.

INFORMATION ABOUT THE UNIVERSITY OF HOUSTON - CLEAR LAKE: The University of Houston - Clear Lake is the largest upper-division university in the nation, offering junior and senior coursework and graduate programs. Its current enrollment stands at 7,700 students of which approximately 47% are graduate students. UHCL is a commuter campus and thus has a large percentage of non-traditional students. Our full-time/part-time mix is 42%/58%, respectively. The average age of our student body is 32 years.

GENERAL INSTRUCTIONS: Submit one (1) original and four (4) copies of your proposal in a sealed envelope to: Purchasing Office, University of Houston - Clear Lake, 2700 Bay Area Boulevard, Bayou Building, Room 2123, Houston, Texas 77058-1098 before 3:00 P.M. June 18, 2007. The original shall be prepared on a word processor and formatted in at least 10-point-font that is clearly readable. The copies shall be of good, readable quality.

COMPLIANCE WITH RFP REQUIREMENTS: By submission of a Proposal, a Proposer agrees to be bound by the requirements set forth in this RFP. The UHCL, at its sole discretion, may disqualify a Proposal from consideration, if the UHCL determines a Proposal is non-responsive and/or non-compliant, in whole or in part, with the requirements set forth in this RFP.

SIGNATURE, CERTIFICATION OF PROPOSER: The Proposal must be signed and dated by a representative of the Proposer who is authorized to bind the Proposer to the terms and conditions contained in this RFP and to compliance with the information submitted in the proposal. Each Proposer submitting a Proposal certifies to both (i) the completeness, veracity, and accuracy of the information provided in the Proposal and (ii) the authority of the individual whose signature appears on the Proposal to bind the Proposer to the terms and conditions set for in this RFP. Proposals submitted without the required signature shall be disqualified.

OWNERSHIP OF PROPOSALS: All Proposals become the physical property of the UHCL upon receipt.

USE, DISCLOSURE OF INFORMATION: Proposers acknowledge that the UHCL is an agency of the State of Texas and is, therefore, required to comply with the Texas Public Information Act. If a Proposal includes proprietary data, trade secrets, or information the Proposer wishes to except from public disclosure, then the Proposer must specifically label such data, secrets, or information as follows: "PRIVILEGED AND CONFIDENTIAL -- PROPRIETARY INFORMATION." To the extent permitted by law, information labeled by the Proposer as proprietary will be used by the UHCL only for purposes related to or arising out of the (i) evaluation of Proposals, (ii) selection of a Proposer pursuant to the RFP process, and (iii) negotiation and execution of a Contract, if any, with the Proposer selected.

RESCISSION OF PROPOSAL: A Proposal can be withdrawn from consideration at any time prior to expiration of the Deadline for Proposals pursuant to a written request sent to the UHCL.

REQUEST FOR CLARIFICATION: The UHCL reserves the right to request clarification of any information contained in a Proposal.

QUESTIONS BY PROPOSERS: The deadline for questions submitted by Proposers is 4:00 PM CST on May 29, 2007. UHCL will accept no questions after this date. Questions must be submitted in writing; the question, written UHCL response, and addenda, if any, related to the RFP will be distributed no later than June 7, 2007 to all Proposers who have sent the Proposer's email contact information to UHCL's Contract Administration Specialist by 4:00 PM CST on May 29, 2007. If UHCL determines a question has been sufficiently answered in the RFP, the inquiring Proposer will be referred to the relevant section of the RFP with all other Proposers receiving notice. Questions must be emailed to the Contract Administration Specialist, Mike Schurwon, CTPM, CPPB, at schurwon@uhcl.edu

ADDENDA TO THE RFP: Each Proposer will be provided with copies of UHCL-approved addenda, including amendments, if any, to the RFP. If and as necessary, as determined by UHCL, Proposers will, in turn, be allowed time to revise or supply additional information in response to such addenda.

PRE-PROPOSAL CONFERENCE: There will not be a pre-proposal conference.

COMMUNICATIONS WITH UHCL PERSONNEL: Except as provided in this RFP and as is otherwise necessary for the conduct of ongoing UHCL business operations, Proposers are expressly and absolutely prohibited from engaging in communications with UHCL personnel who are involved in any manner in the review and/or evaluation of the Proposals; selection of a Proposer; and/or negotiations or formalization of a Contract. If any Proposer engages in conduct or communications that UHCL determines are contrary to the prohibitions set forth in this section, UHCL may, at its sole discretion, disqualify the Proposer and withdraw the Proposer's Proposal from consideration.

EVALUATION OF PROPOSALS: The Proposals will be reviewed in accordance with the criteria set forth in this RFP. Proposals that are (i) incomplete, (ii) not properly certified and signed, (iii) not in the required format, or (iv) otherwise non-compliant, in whole or in part, with any of the requirements set forth in this RFP may be disqualified by the UHCL.

PROVISION OF INFORMATION: Each Proposer must provide current, accurate, complete information about all of the following in support of its Proposal (please coordinate numbers with responses): (A) Business, Financial Information: (i) Name, address, telephone number, and title of the person(s) whom UHCL can contact about the Proposal; (ii) State of Texas corporate filings, DBA name, registration and tax identification number; (iii) Name(s) of owner(s) or partners or directors, as applicable; (iv) Length of time and years during which the Pro-

poser has provided the Services contemplated by this RFP; (v) Insurance carrier(s), types, and amounts of coverage currently maintained by the Proposer; (B) Services, Reports, and Billing: (i) Description of Services the Proposer is able to provide; (ii) Sample or prototypical reports that would be furnished to the UHCL; (iii) Historically Underutilized Business (HUB) status, if any, of the Proposer; (iv) Methods, procedures, and processes to ensure quality control; (v) Billing frequency to be utilized by the Proposer; (C) Experience: (i) Provide an overview of your firm, including whether you would be considered a local, regional, or national firm and the demographics of your client base; (ii) Provide the total number of personnel employed by your firm, to include categorization by function. (iii) Provide name, title, and telephone number of each person who will be assigned to our account. The resumes of each of these employees must be included. Credentials illustrating the education, training, experience working with PeopleSoft's Student Administration product, and professional certification(s) of these personnel are also required; (iv) Provide a description of the current consulting load of the personnel to be assigned to our account; (v) Briefly discuss your firm's experience as a treasury consultant for organizations of similar size, structure, and scope of work required. Three examples of your innovation (not to exceed one-half [1/2] page per example) must be included. One example must illustrate how you were able to significantly improve operational efficiency within the department, another example must demonstrate how your recommendations were able to significantly reduce bank service charges, and the last example must address your demonstrated ability to improve control measures for the client; (vi) Disclose if you intend to subcontract any service. The service and vendor must be identified; (vii) Describe the resources available to your firm from which you will compare our current business processes and bank fees to "best practices"; (D) References: Provide a list of three clients, preferably colleges/universities, for whom the Proposer has provided Comprehensive Enrollment Services within the last ten (10) years, including name of firm, contact person's name, title, address, telephone number, and scope of project; (E) Consulting Methodology: Describe in sufficient detail the methodology you will employ and tasks you will perform to achieve the goals of the project as set forth in the RFP; (F) Performance Timetable: Indicate the number of hours that you believe is necessary and appropriate for your firm to complete each of the roles as described in the RFP. Recommended time should be identified for each role identified in this RFP and totaled for all aspects of the project; (G) Fees: Provide a fee schedule for the various consulting services you will provide. Identify by title and amount any reimbursable expenses (e.g. travel costs); (H) Legal Information: Is your firm, or any professionals employed by your firm, currently a defendant in any criminal proceedings or under criminal investigation, or being subject to any proceedings involving alleged securities violations; or any administrative action, including state and or federal regulatory agency proceedings, which resulted in censure or the suspension or revocation of any licenses? If yes, please describe.

DISCUSSIONS WITH PROPOSERS: UHCL may conduct discussions and/or negotiations with any Proposer that appears to be eligible for award ("Eligible Proposer") pursuant to the selection criteria set forth in this RFP. In conducting discussions and/or negotiations, UHCL will not disclose information derived from Proposals submitted by competing Proposers, except as and if law requires disclosure.

MODIFICATION OF PROPOSALS: All Eligible Proposers will be afforded the opportunity to submit best and final Proposals if (a) negotiations with any other Proposer result in a material alteration to the RFP and (b) such material alteration has a cost consequence that could alter the Proposer's quotations regarding rates for Services.

SELECTION OF PROPOSER: The Proposer selected for award will be the Proposer whose Proposal, as presented in response to this RFP and as determined by UHCL in accordance with the evaluation criteria

set forth in this RFP, to be the most advantageous to UHCL. Proposers acknowledge that UHCL is not bound to accept the lowest-priced Proposal.

EVALUATION OF PROPOSALS: Submission of a Proposal indicates the Proposer's acceptance of the evaluation process set forth in this RFP and the Proposer's acknowledgement that subjective judgments must be made by the UHCL in regard to the evaluation process.

CRITERIA FOR EVALUATION: Evaluation of Proposals and award to the Selected Proposer will be based on the following factors, as weighted and listed as follows: (i) Demonstrated ability of the Proposer to fulfill current and predicted UHCL needs (50%); (ii) Stability and success of the Proposer's business profile (40%); and Rates for Services quoted (10%).

CONSIDERATION OF ADDITIONAL INFORMATION: UHCL reserves the right to ask for and consider any additional information deemed beneficial to UHCL in evaluation of the Proposals.

TERMINATION: This Request for Proposal (RFP) in no manner obligates UHCL to the eventual purchase of any services described, implied or which may be proposed until confirmed by a written consultant contract. Progress towards this end is solely at the discretion of UHCL and may be terminated without penalty or obligation at any time prior to the signing of a contract. UHCL reserves the right to cancel this RFP at any time, for any reason and to reject any or all proposals.

TRD-200701775

Brian S. Nelson

Executive Director and Associate General Counsel

University of Houston System

Filed: May 8, 2007

Texas Department of Insurance

Company Licensing

Application for admission to the State of Texas by UNIQUE INSURANCE COMPANY, a foreign fire and/or casualty company. The home office is in Chicago, Illinois.

Application for admission to the State of Texas by SEQUOIA INDEMNITY COMPANY, a foreign fire and/or casualty company. The home office is in Las Vegas, Nevada.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Godwin Ohaechesi, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

TRD-200701789

Gene C. Jarmon

Chief Clerk and General Counsel

Texas Department of Insurance

Filed: May 9, 2007

Third Party Administrator Application

The following third party administrator (TPA) application has been filed with the Texas Department of Insurance and is under consideration.

Application of ACCLAIM BENEFITS, INC., a foreign third party administrator. The home office is PLYMOUTH, MINNESOTA.

Any objections must be filed within 20 days after this notice is published in the *Texas Register*, addressed to the attention of Matt Ray, MC 107-1A, 333 Guadalupe, Austin, Texas 78701.

TRD-200701774

Gene C. Jarmon

Chief Clerk and General Counsel

Texas Department of Insurance

Filed: May 8, 2007

Texas Lottery Commission

Instant Game Number 836 "Millions & Millions"

1.0 Name and Style of Game.

A. The name of Instant Game No. 836 is "MILLIONS & MILLIONS". The play style for Game 1 is "key number match". The play style for Game 2 is "match 3 of 6 with doubler". The play style for Game 3 is "key symbol match". The play style for Game 4 is "match 3 of 9".

1.1 Price of Instant Ticket.

A. Tickets for Instant Game No. 836 shall be \$30.00 per ticket.

1.2 Definitions in Instant Game No. 836.

A. Display Printing - That area of the instant game ticket outside of the area where the Overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the ticket.

C. Play Symbol - The printed data under the latex on the front of the instant ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black play symbols are: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, \$30.00, \$40.00, \$50.00, \$70.00, \$100, \$200, \$500, \$2,000, \$20,000, \$THR MILL SYMBOL, STAR SYMBOL, BAR SYMBOL, CROWN SYMBOL, CLOVER SYMBOL, GOLD BAR SYMBOL, STACK OF BILLS SYMBOL, DOLLAR SIGN SYMBOL, HORSESHOE SYMBOL, DOLLAR BILL SYMBOL, CHERRY SYMBOL, APPLE SYMBOL, ORANGE SYMBOL, SUN SYMBOL, PIGGY BANK SYMBOL, KEY SYMBOL, RAINBOW SYMBOL, MOON SYMBOL, 5 TIMES SYMBOL and 1 TIMES SYMBOL.

D. Play Symbol Caption - the printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 836 - 1.2D

PLAY SYMBOL	CAPTION
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
DOLLAR BILL SYMBOL	WINX10
\$30.00	THIRTY
\$40.00	FORTY
\$50.00	FIFTY
\$70.00	SEVENTY
\$100	ONE HUND
\$200	TWO HUND
\$500	FIV HUND
\$2,000	TWO THOU
\$20,000	20 THOU
\$THR MILL SYMBOL	THR MILL
STAR SYMBOL	DOUBLE
BAR SYMBOL	BAR
CROWN SYMBOL	CRWN
CLOVER SYMBOL	CLVR
GOLD BAR SYMBOL	GOLD

STACK OF BILLS SYMBOL	BILLS
DOLLAR SIGN SYMBOL	MONEY
HORSESHOE SYMBOL	SHOE
DOLLAR BILL SYMBOL	DOLLAR
CHERRY SYMBOL	CHRY
APPLE SYMBOL	APPLE
ORANGE SYMBOL	ORNG
SUN SYMBOL	SUN
PIGGY BANK SYMBOL	PBANK
KEY SYMBOL	KEY
RAINBOW SYMBOL	RBOW
MOON SYMBOL	MOON
5 TIMES SYMBOL	PRIZE
1 TIMES SYMBOL	PRIZE

E. Serial Number - A unique 13 (thirteen) digit number appearing under the latex scratch-off covering on the front of the ticket. There is a boxed four (4) digit Security Number placed randomly within the Serial Number. The remaining nine (9) digits of the Serial Number are the Validation Number. The Serial Number is positioned beneath the bottom row of play data in the scratched-off play area. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Mid-Tier Prize - A prize of \$30.00, \$40.00, \$70.00, \$100, \$300 or \$500.

G. High-Tier Prize - A prize of \$2,000, \$20,000 or \$3,000,000.

H. Bar Code - A 22 (twenty-two) character interleaved two (2) of five (5) bar code which will include a three (3) digit game ID, the seven (7) digit pack number, the three (3) digit ticket number and the nine (9) digit Validation Number. The bar code appears on the back of the ticket.

I. Pack-Ticket Number - A 13 (thirteen) digit number consisting of the three (3) digit game number (836), a seven (7) digit pack number, and a three (3) digit ticket number. Ticket numbers start with 001 and end with 025 within each pack. The format will be: 836-0000001-001.

J. Pack - A pack of "MILLIONS & MILLIONS" Instant Game tickets contains 25 tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The packs will alternate. One will show the front of ticket 001 and back of 025 while the other fold will show the back of ticket 001 and front of 025.

K. Non-Winning Ticket - A ticket which is not programmed to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

L. Ticket or Instant Game Ticket, or Instant Ticket - A Texas Lottery "MILLIONS & MILLIONS" Instant Game No. 836 ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation requirements set forth in Texas Lottery Rule 401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "MILLIONS & MILLIONS" Instant Game is

determined once the latex on the ticket is scratched off to expose 63 (sixty-three) play symbols. For GAME 1, if a player matches any of YOUR NUMBERS play symbols to either of the WINNING NUMBERS play symbol, the player wins the PRIZE shown for that number. If a player reveals a DOLLAR BILL SYMBOL, the player wins 10 TIMES the PRIZE shown. For GAME 2, if a player reveals three (3) matching amounts, the player wins that amount. If the player reveals two (2) matching amounts and a STAR SYMBOL, the player wins DOUBLE that amount. For GAME 3, if the player matches YOUR SYMBOLS within the same PLAY, the player wins the PRIZE shown for that PLAY. For GAME 4, if a player reveals three (3) MONEY-BAG SYMBOLS in any one row, column or diagonal, the player wins the prize in the PRIZE box. The player scratches the BONUS BOX for a chance to win FIVE (5) TIMES the prize won. No portion of the display printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Instant Game.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. Exactly 63 (sixty-three) Play Symbols must appear under the latex overprint on the front portion of the ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The ticket shall be intact;
6. The Serial Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the ticket;
8. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The ticket must not be counterfeit in whole or in part;

10. The ticket must have been issued by the Texas Lottery in an authorized manner;

11. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;

13. The ticket must be complete and not miscut, and have exactly 63 (sixty-three) Play Symbols under the latex overprint on the front portion of the ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket Number on the ticket;

14. The Serial Number of an apparent winning ticket shall correspond with the Texas Lottery's Serial Numbers for winning tickets, and a ticket with that Serial Number shall not have been paid previously;

15. The ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the 63 (sixty-three) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures.

17. Each of the 63 (sixty-three) Play Symbols on the ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The ticket must have been received by the Texas Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Consecutive non-winning tickets will not have identical play data, spot for spot.

B. The \$THR MILL and \$20,000 prize symbols will always appear on non-winning tickets and will each appear on \$2,000 and lower winning tickets when prize structure permits.

C. GAME 1: No duplicate WINNING NUMBERS play symbols.

D. GAME 1: No duplicate non-winning YOUR NUMBERS play symbols.

E. GAME 1: The "dollar bill" symbol (win x 10) will only appear as dictated by the prize structure.

F. GAME 1: No more than 2 matching non-winning prize symbols in this game.

G. GAME 1: Non-winning prize symbols will never be the same as the winning prize symbol(s) in this game.

H. GAME 2: No four or more matching play symbols.

I. GAME 2: No three matching play symbols on games where the "star" symbol (doubler) appears.

J. GAME 2: No three or four pairs.

K. GAME 3: No duplicate non-winning rows.

L. GAME 3: No more than 3 matching non-winning play symbols.

M. GAME 3: No duplicate non-winning prize symbols.

N. GAME 3: Non-winning prize symbols will never be the same as the winning prize symbol(s).

O. GAME 3: No adjacent row will contain two matching non-winning play symbols.

P. GAME 4: Only the "money bag" play symbol will appear 3 times in a row, column or diagonal.

Q. GAME 4: There will be a minimum of 4 "money bag" play symbols.

2.3 Procedure for Claiming Prizes.

A. To claim a "MILLIONS & MILLIONS" Instant Game prize of \$30.00, \$40.00, \$70.00, \$100, \$300 or \$500, a claimant shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the claimant and physically void the ticket; provided that the Texas Lottery Retailer may, but is not, in some cases, required to pay a \$30.00, \$40.00, \$70.00, \$100, \$300 or \$500 ticket. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "MILLIONS & MILLIONS" Instant Game prize of \$2,000 or \$20,000, the claimant must sign the winning ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. To claim a "MILLIONS & MILLIONS" top level prize of \$3,000,000, the claimant must sign the winning ticket and present it at Texas Lottery Commission headquarters in Austin, Texas. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is

not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. As an alternative method of claiming a "MILLIONS & MILLIONS" Instant Game prize, the claimant must sign the winning ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, Post Office Box 16600, Austin, Texas 78761-6600. The risk of sending a ticket remains with the claimant. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

E. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, the Texas Workforce Commission, or Texas Alcoholic Beverage Commission;
2. delinquent in making child support payments administered or collected by the Attorney General; or
3. delinquent in reimbursing the Texas Health and Human Services Commission for a benefit granted in error under the food stamp program or the program of financial assistance under Chapter 31, Human Resources Code;
4. in default on a loan made under Chapter 52, Education Code; or
5. in default on a loan guaranteed under Chapter 57, Education Code.

F. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize of less than \$600 from the "MILLIONS & MILLIONS" Instant Game, the Texas Lottery shall deliver

to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of more than \$600 from the "MILLIONS & MILLIONS" Instant Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code Section 466.408. Any prize not claimed within that period, and in the manner specified in these Game Procedures and on the back of each ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed. An Instant Game ticket may continue to be sold even when all the top prizes have been claimed.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the ticket in the space designated. If more than one name appears on the back of the ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Instant Game tickets and shall not be required to pay on a lost or stolen Instant Game ticket.

4.0 Number and Value of Instant Prizes. There will be approximately 3,600,000 tickets in the Instant Game No. 836. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 836 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in**
\$30.00	576,000	6.25
\$40.00	648,000	5.56
\$70.00	216,000	16.67
\$100	34,200	105.26
\$300	4,050	888.89
\$500	1,500	2,400.00
\$2,000	720	5,000.00
\$20,000	60	60,000.00
\$3,000,000	4	900,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 2.43. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Instant Game. The Executive Director may, at any time, announce a closing date (end date) for the Instant Game No. 836 without advance notice, at which point no further tickets in that game may be sold.

6.0 Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these Game Procedures for Instant Game No. 836, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-200701741
Kimberly L. Kiplin
General Counsel
Texas Lottery Commission
Filed: May 4, 2007



Texas Parks and Wildlife Department

Notice of Availability and Request for Comments

Draft Damage Assessment and Restoration Plan

AGENCIES: Texas Parks and Wildlife Department (TPWD), Texas Commission on Environmental Quality (TCEQ), and the Texas General Land Office (TGLO) (hereafter, Natural Resource Trustees).

ACTION: Notice of availability of a Draft Damage Assessment and Restoration Plan (DARP) for natural resource damages resulting from the impacts of the November 15, 2004 crude oil discharge from an Energytec, Inc. facility into an unnamed tributary of Oliver Lake and Sulphur River in Titus County, Texas and of a 30-day period for public comment on the Draft DARP beginning the date of publication of this notice.

SUMMARY: This notice serves to inform the public that the Natural Resource Trustees have developed a Draft DARP to resolve Natural Resource Damages associated with this incident. The Draft DARP outlines the injuries resulting from the unauthorized discharge of oil and oily products into waters of the State of Texas and the adjacent habitats, as well as the proposed restoration project selected to compensate for those injuries. The opportunity for public review and comment on the Draft DARP announced in this notice is required under the Oil Pollution Act 33 U.S.C. 2706(c)(5), and parallels provisions of 15 CFR 990.14(d) and 990.55 of the federal Natural Resource Damage Assessment regulations.

ADDRESSES: A copy of this Draft DARP may be obtained by contacting: Johanna Gregory, Trustee Program, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, Phone: (512) 912-7103, e-mail: johanna.gregory@tpwd.state.tx.us.

DATES: Comments must be submitted in writing within 30 days of the publication of this notice to Johanna Gregory of the Texas Parks and Wildlife Department at the address listed in the previous paragraph. The Natural Resource Trustees will consider all written comments received during the 30-day comment period prior to finalizing the Draft DARP.

SUPPLEMENTARY INFORMATION: On or about November 15, 2004 a transfer line(s) leading to an injection well and storage tank(s) in the Hoffman-Bankhead Unit located on the Hearts Bluff Game Ranch northeast of the city of Talco, Titus County, Texas, ruptured, resulting in an unauthorized discharge of crude oil into an unnamed tributary of Oliver Lake and Sulphur River. Approximately 8,400 gallons of crude oil were discharged into the creek and adjacent riparian habitat. Oil was observed at the discharge point and extended 0.50 miles downstream in the unnamed tributary to Oliver Lake and Sulphur River. After the initial discharge, oil spread further downstream in the unnamed tributary to Oliver Lake and adjacent bottomland hardwoods due to heavy rains and localized flooding. The oiling of habitat ranged from light to very heavy bands of oil on the

banks, snags, and vegetation adjacent to and in the creek. Oil bands were observed as high as 4 feet on some trees.

Initial response actions by Energytec, Inc. included the use of heavy equipment to clear and remove oiled vegetation as well as bury standing oil in upland and aquatic environments. Secondary response actions initiated by the environmental contractors included herding oil to collection points where it was removed using vacuum trucks and absorbent pads. Further remedial actions were undertaken, including the chipping and land farming of oiled vegetation and oily debris. Oily debris and oiled trees and soil were buried in and along the banks of the unnamed tributary to Lake Oliver and Sulphur River. These further remedial actions required extensive grading, removal, and redistribution of sediments and soils in and along the unnamed tributary. Response and remedial actions resulted in natural resource injuries in addition to those caused by the discharge of crude oil. The response actions described have not adequately addressed, or are not expected to address, the potential injuries from the incident. Natural resources or their services impacted as a result of the spill and spill response included riparian/bottomland hardwood habitat, upland habitat, and aquatic habitat of the unnamed tributary to Lake Oliver and Sulphur River. Biota impacted by the spill included fish, birds, other wildlife species, and benthic communities.

Natural Resource Trustees (Trustees) have the authority under OPA (33 U.S.C. Section 2701 et seq.) to assess natural resource injuries resulting from this incident. TPWD, TCEQ, and TGLO are Trustees of the natural resources injured by the Energytec discharge.

The Natural Resource Trustees have determined that resources subject to their trust authority under this Act were exposed to crude oil as a result of the discharge. The quantity and concentration of the material discharged was sufficient to result in the impairment of exposed habitats. Energytec, Inc. as the designated responsible party declined the opportunity to work in a formal cooperative process with the Trustees to perform a restoration-based assessment addressing injuries to natural resource services resulting from the spill. The Trustees undertook this action on their own and performed several site investigations to assess the extent of injuries resulting from the discharge of oil and the associated response actions. Results from site investigations and Habitat Equivalency Analysis were used to determine the scale of restoration necessary to compensate for injuries to natural resource services.

In accordance with the Oil Pollution Act of 1990 regulations, the Trustees evaluated a reasonable range of restoration alternatives to compensate for injuries to natural resource services. After examining restoration alternatives and potential restoration sites, the Trustees have identified the preservation of existing high quality habitat located on Hearts Bluff Game Ranch as the preferred restoration alternative. The Trustees' proposed restoration project would preserve all or portions of a 79 acre tract of wet riparian habitat in Titus County. For further information contact: Johanna Gregory at (512) 912-7103, fax: (512) 912-7160, e-mail: johanna.gregory@tpwd.state.tx.us.

TRD-200701763

Ann Bright
General Counsel
Texas Parks and Wildlife Department
Filed: May 7, 2007

State Pension Review Board

Correction of Error

The State Pension Review Board adopted 40 TAC §605.1, concerning Adoption of Standard Forms, in the May 4, 2007, issue of the *Texas*

Register (32 TexReg 2480). Due to a typographical error by the agency the text for subsection (b)(4) was incorrectly submitted as: "Actuarial Report--Form Series PRB-500." The text of subsection (b)(4) is being corrected to read: "Actuarial Report--Form Series PRB-400."

TRD-200701753

Public Utility Commission of Texas

Announcement of Application for an Amendment to a State-Issued Certificate of Franchise Authority

The Public Utility Commission of Texas received an application on May 4, 2007, for an amendment to a state-issued certificate of franchise authority (CFA), pursuant to §§66.001 - 66.016 of the Public Utility Regulatory Act (PURA).

Project Title and Number: Application of Universal Cable Holdings, Inc. d/b/a Suddenlink Communications for an Amendment to its State-Issued Certificate of Franchise Authority, Project Number 34246 before the Public Utility Commission of Texas.

Information on the application may be obtained by contacting the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All inquiries should reference Project Number 34246.

TRD-200701780

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2007

Notice of Application for a Certificate to Provide Retail Electric Service

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on May 4, 2007, for retail electric provider (REP) certification, pursuant to §§39.101 - 39.109 of the Public Utility Regulatory Act (PURA).

Docket Title and Number: Application of Javed Meghani for Retail Electric Provider (REP) Certification, Docket Number 34247 before the Public Utility Commission of Texas.

Applicant's requested service area by geography includes the entire State of Texas.

Persons wishing to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than May 25, 2007. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 34247.

TRD-200701779

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2007

Notice of Application for Amendment to Certificated Service Area Boundaries

Notice is given to the public of an application filed on May 3, 2007 with the Public Utility Commission of Texas, for an amendment to certificated service area boundaries in Collin County, Texas.

Docket Style and Number: Application of AT&T Texas to amend a Certificate of Convenience and Necessity for a Minor Boundary Amendment between the Prosper, McKinney, and Frisco Exchanges. Docket Number 34245.

The Application: The minor boundary amendment is being filed to realign the service boundaries of the Prosper, McKinney, and Frisco exchanges of AT&T. AT&T is requesting two minor boundary amendments. The first proposed boundary amendment will transfer a small portion of service area from the Prosper exchange to the McKinney exchange; the second minor boundary change is between the Prosper and Frisco exchanges to accommodate a new subdivision so that the entire subdivision is in the Frisco exchange.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas by May 25, 2007, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All comments should reference Docket Number 34245.

TRD-200701781

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2007



Notice of Application for Sale, Transfer, or Merger

Notice is given to the public of an application for sale, transfer, or merger filed with the Public Utility Commission of Texas on May 4, 2007, pursuant to the Public Utility Regulatory Act, TEXAS UTILITY CODE ANNOTATED §§14.101, 36.001, and 37.154 (Vernon 1998 & Supplement 2006) (PURA).

Docket Style and Number: Application to Transfer Certificates of Convenience and Necessity of McLennan County Electric Cooperative, Inc. and Belfalls Electric Cooperative, Inc. to Heart of Texas Electric Cooperative, Inc. Docket Number 34258.

The Application: McLennan County Electric Cooperative, Inc. and Belfalls Electric Cooperative, Inc. have agreed to consolidate into Heart of Texas Electric Cooperative, Inc. McLennan County Electric Cooperative, Inc. and Belfalls Electric Cooperative, Inc. stated that its members have approved the consolidation and the only remaining actions necessary to effect the consolidation are the filing of the articles of incorporation, the issuance of a certificate of consolidation by the Secretary of State, and the transfer of certificates of convenience and necessity to the new Heart of Texas Electric Cooperative, Inc. McLennan County Electric Cooperative, Inc. and Belfalls Electric Cooperative, Inc. also stated that a board of directors, which will consist of all existing board members from both cooperatives will manage the new cooperative and all staff will remain in place. No rates to members will change as a result of this consolidation and transfer. McLennan County Electric Cooperative, Inc. holds Certificate of Convenience and Necessity Number 30119 and Belfalls Electric Cooperative, Inc. holds Certificate of Convenience and Necessity Number 30009.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or call the Commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All correspondence should refer to Docket Number 34258.

TRD-200701778

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2007



Notice of Application to Amend Certificated Service Area Boundaries in Martin County, Texas

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on May 3, 2007, for an amendment to certificated service area boundaries within Martin County, Texas.

Docket Style and Number: Application of Oncor Electric Delivery Company to Amend a Certificate of Convenience and Necessity for a Service Area Exception within Martin County, Texas. Docket Number 34238.

The Application: Oncor Electric Delivery Company (Oncor) requests a service area exception to serve a single customer Invenergy, L.L.C. located within the certificated service area of Cap Rock Energy Company (Cap Rock). The Invenergy Stanton Wind Project is a 111 MW wind-powered electric generation station with turbines located throughout 17,000 acres of Martin County. Electric service resources are not currently available to the area. Oncor received a request for service to the affected area. Cap Rock is in full agreement with the territory amendment.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas no later than May 25, 2007, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All comments should reference Docket Number 34238.

TRD-200701742

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 4, 2007



Notice of Application to Relinquish a Service Provider Certificate of Operating Authority

On May 1, 2007, UAI of Texas, Inc. filed an application with the Public Utility Commission of Texas (commission) to relinquish its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60297. Applicant intends to relinquish its certificate.

The Application: Application of UAI of Texas, Inc. to Relinquish its Service Provider Certificate of Operating Authority, Docket Number 34231.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than May 23, 2007. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 34231.

TRD-200701743
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 4, 2007



Notice of Intent to File LRIC Study Pursuant to P.U.C. Substantive Rule §26.214

Notice is given to the public of the filing on May 3, 2007, with the Public Utility Commission of Texas (commission), a notice of intent to file a long run incremental cost (LRIC) study pursuant to P.U.C. Substantive Rule §26.214. The Applicant will file the LRIC study on or about May 14, 2007.

Docket Title and Number: Application of United Telephone Company of Texas, Inc. d/b/a Embarq for Approval of LRIC Study to Introduce Voice Business Continuity Pursuant to P.U.C. Substantive Rule §26.214, Docket Number 34241.

Any party that demonstrates a justiciable interest may file with the administrative law judge, written comments or recommendations concerning the LRIC study referencing Docket Number 34241. Written comments or recommendations should be filed no later than forty-five (45) days after the date of a sufficient study and should be filed at the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free 1-800-735-2989. All comments should reference Docket Number 34241.

TRD-200701777
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2007



Notice of Intent to File LRIC Study Pursuant to P.U.C. Substantive Rule §26.214

Notice is given to the public of the filing on May 3, 2007, with the Public Utility Commission of Texas (commission), a notice of intent to file a long run incremental cost (LRIC) study pursuant to P.U.C. Substantive Rule §26.214. The Applicant will file the LRIC study on or about May 14, 2007.

Docket Title and Number: Application of Central Telephone Company of Texas d/b/a Embarq for Approval of LRIC Study to Introduce Voice Business Continuity Pursuant to P.U.C. Substantive Rule §26.214, Docket Number 34242.

Any party that demonstrates a justiciable interest may file with the administrative law judge, written comments or recommendations concerning the LRIC study referencing Docket Number 34242. Written comments or recommendations should be filed no later than forty-five (45) days after the date of a sufficient study and should be filed at the

Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free 1-800-735-2989. All comments should reference Docket Number 34242.

TRD-200701776
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2007



Notice of Petition for Waiver of Denial of Request for Additional Resources

Notice is given to the public of the filing with the Public Utility Commission of Texas of a petition on May 1, 2007, for waiver of denial by the Pooling Administrator (PA) of Southwestern Bell Telephone, LP, doing business as AT&T Texas' (AT&T) request for the assignment of one growth block in the Plano rate center.

Docket Title and Number: Petition of Southwestern Bell Telephone, LP doing business as AT&T Texas for Waiver of Denial of Numbering Resources in the Plano Rate Center. Docket Number 34232.

The Application: AT&T requires additional non-EAS numbering resources to meet the customers' demand for basic local telecommunications service.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than May 23, 2007. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 34232.

TRD-200701744
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 4, 2007



Texas Residential Construction Commission

Notice of Application for Designation as a "Texas Star Builder"

The commission adopted rules regarding the procedures for designation as a "Texas Star Builder" at 10 TAC §303.300. The rules were adopted pursuant to §416.011, Property Code (Act effective Sept. 1, 2003), which provides that the commission shall establish rules and procedures through which a builder can be designated as a "Texas Star Builder." The commission rules for application for designation can be found on the commission's website at www.trcc.state.tx.us

Pursuant to 10 TAC §303.300(i)(2) the commission is required to publish in the *Texas Register* notice of the application of each person seeking to become designated as a "Texas Star Builder" registered under this subchapter. The commission will accept public comment on each application for twenty-one (21) days after the date of publication of the notice. Information provided in response to this notice will be utilized in evaluating the applicants for approval. The Texas Star Builder designation requires that a builder or remodeler demonstrate that its education, experience and commitment to professionalism sets the builder or remodeler apart from its peers and offers some assurance to its cus-

tomers that its quality of service and construction will be above average.

Pursuant to 10 TAC §303.300(i)(2) the commission hereby notices the application(s) for designation as a "Texas Star Builder" of:

Durrett Interests, L.L.C., 1612 West 5th Street, 2nd Floor, Austin, TX 78703; TRCC builder registration certificate # 1428; and the registered agent is Marshall Durrett.

Interested persons may send written comments regarding this application to Susan K. Durso, General Counsel, The Texas Residential Construction Commission, P.O. Box 13144, Austin, TX 78711-3144. Comments regarding this application will be accepted for twenty-one days following the date of publication of this notice in the *Texas Register*. Thereafter, the comments will not be considered as timely filed.

TRD-200701740
Susan K. Durso
General Counsel
Texas Residential Construction Commission
Filed: May 3, 2007

Office of Rural Community Affairs

Public Notice for Application Workshops

Application Workshops for Texas Community Development Block Grant (CDBG) Disaster Recovery Funds Infrastructure

The Office of Rural Community Affairs (ORCA) will be holding application workshops regarding the second funding of Texas CDBG Disaster Recovery Funds provided for those areas most impacted by Hurricane Rita. This application process will be related to a competitive process awarding \$22,200,000 in federal funding from the CDBG Disaster Recovery Program to be used for the restoration of critical infrastructure damaged by Hurricane Rita in the 29 counties directly affected by Hurricane Rita and designated in the State of Texas Action Plan for CDBG Disaster Recovery. Eligible local and county governments interested in receiving funds from this allocation are encouraged to attend a workshop. The Notice of Funding Availability, Application Guide, and Application for these funds can be found on the ORCA website at: www.orca.state.tx.us.

Date: May 22, 2007

10:00 a.m. - 1:00 p.m.

Deep East Texas Council of Governments
210 Premier Drive, Conference Room
Jasper, Texas 75951

Date: May 23, 2007

10:00 a.m. - 1:00 p.m.

Beaumont Housing Authority
1890 Laurel Street, 1st Floor
Beaumont, Texas 77701

Date: May 24, 2007

2:00 p.m. - 5:00 p.m.

Hardin County Courthouse
300 Monroe Street, Commissioner's Courtroom
Kountze, Texas 77625

For more information, please call Heather Lagrone at (512) 936-6727 or via e-mail at hlagrone@orca.state.tx.us.

TRD-200701750
Mark Wyatt
Manager, Program Development
Office of Rural Community Affairs
Filed: May 7, 2007

Texas Department of Transportation

Aviation Division - Request for Proposal for Aviation Engineering Services

The City of Eastland, through its agent the Texas Department of Transportation (TxDOT), intends to engage an aviation professional engineering firm for services pursuant to Government Code, Chapter 2254, Subchapter A. TxDOT Aviation Division will solicit and receive proposals for professional aviation engineering design services described below:

Airport Sponsor: City of Eastland, Eastland Municipal Airport. Tx-DOT CSJ No.:0623ESTLD. Scope: Provide engineering/design services to construct 1,000 LF Runway 17 extension with turnaround; construct T-hangar apron area; rehabilitate Runway 17-35 (NPI with displaced threshold) and mark; rehabilitate apron and taxiway areas and restripe; extend MIRLS; relocate PAPI on Runway 35; install obstruction lights on north transmission line poles; pave access taxiways to new T-Hangars; and construct south access road.

The DBE goal is set at **6%**. TxDOT Project Manager is Steve Roth.

To assist in your proposal preparation the most recent Airport Layout Plan, 5010 drawing, and project narrative are available online at www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm by selecting "Eastland Municipal Airport".

Interested firms shall utilize the latest version of Form AVN-550, titled "Aviation Engineering Services Proposal". The form may be requested from TxDOT Aviation Division, 125 East 11th Street, Austin, Texas 78701-2483, phone number, 1-800-68-PILOT (74568). The form may be emailed by request or downloaded from the TxDOT web site, URL address <http://www.dot.state.tx.us/avn/avn550.doc>. The form may not be altered in any way. All printing must be in black on white paper, except for the optional illustration page. Firms must carefully follow the instructions provided on each page of the form. Proposals may not exceed the number of pages in the proposal format. The proposal format consists of seven pages of data plus two optional pages consisting of an illustration page and a proposal summary page. Proposals shall be stapled but not bound in any other fashion. PROPOSALS WILL NOT BE ACCEPTED IN ANY OTHER FORMAT. ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is an MS Word Template.

Six completed, unfolded copies of Form AVN-550 **must be received** by TxDOT Aviation Division at 150 East Riverside Drive, 5th Floor, South Tower, Austin, Texas 78704 no later than June 8, 2007, 4:00 p.m. Electronic facsimiles or forms sent by email will not be accepted. Please mark the envelope of the forms to the attention of Edie Stimach.

The consultant selection committee will be composed of local government members. The final selection by the committee will generally be made following the completion of review of proposals. The committee will review all proposals and rate and rank each. The criteria for evalu-

ating engineering proposals can be found at www.dot.state.tx.us/business/avnconsultinfo.htm. All firms will be notified and the top rated firm will be contacted to begin fee negotiations. The selection committee does, however, reserve the right to conduct interviews of the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following the interviews.

If there are any procedural questions, please contact Edie Stimach, Grant Manager, or Steve Roth, Project Manager, for technical questions at 1-800-68-PILOT (74568).

TRD-200701767

Bob Jackson

General Counsel

Texas Department of Transportation

Filed: May 8, 2007



Aviation Division - Request for Proposal for Professional Services

The Aviation Division of the Texas Department of Transportation (TxDOT) intends to enter into contracts with prime provider(s) pursuant to Government Code, Chapter 2254, Subchapter A, for professional surveying services including fee acquisition and avigation easement.

TxDOT CSJ No.: **07AVSURVY**

Project Description and Work to be Performed:

The Aviation Division of TxDOT intends to enter into two or three contracts with prime providers to perform professional surveying services. The work to be performed consists of surveying airport runway protection zones, threshold sighting surfaces, preparation of airport property maps, field notes, parcel plats, metes and bounds, avigation easement surveys, and plan profile plats of approach surfaces with elevations.

Work will be performed at various locations within the 254 counties of the state of Texas.

Contracted firms will be required to provide on-demand surveying services throughout the state with up to five days advance notification.

Services to be Provided by the Surveyor-Fee Acquisition:

1. Surveyor will obtain Right of Entry from the property owner prior to entering the property.
2. Applicable Texas Board of Professional Land Surveying (TBPLS), Texas Society of Professional Surveyors (TSPS), and TxDOT standards shall be followed for the type of survey being preformed.
3. Acquisition areas will be monumented with materials that will remain relatively permanent and stable for the area. The property description will reference monuments set or found per current TBPLS regulations. Taking lines will be marked with a stake and lathe every 150 linear feet.
4. Property descriptions and parcel plats shall include the size of any remainder tract created when surveying a partial acquisition. This area may be calculated using deed information. An additional sketch will depict the physical relationship of the partial acquisition to the parent tract.
5. Scale selected should allow presentation on 8 x 11 inch paper, unless another size is required for legibility. Only the scales from an engineer's scale (10, 20, 30, 40, 50, 60 and multiples of 10) may be used.
6. Project units should be US Survey Feet, Horizontal; North American Datum (NAD) 1983 (1993 Adjustment), Vertical; and North American

Vertical Datum (NAVD) 1988, unless the project site dictates another system for data compatibility.

7. Each Parcel Plat should note owner's name and area of the whole property. On partial acquisitions, the area to be acquired and remaining acreage should also be noted.

8. On a separate sketch, show bearing and distances from the threshold along the centerline to the points where the centerline crosses the airport property and the subject property and tie these points to the nearest property corner. Also show bearing and distance of runway centerline extending through the subject property and tie to nearest corner. This sketch does not need to be signed and sealed.

9. Furnish four original signed/sealed field note descriptions and plats for each parcel.

Services to be Provided by the Surveyor-Avigation Easement:

1. Surveyor will obtain permission from the property owner prior to entering the property.
2. Applicable TBPLS, TSPS, and TxDOT standards shall be followed for the type of survey being preformed.
3. Acquisition areas will be monumented with materials that will remain relatively permanent and stable for the area. The property description will reference monuments set or found per current TBPLS regulations.
4. Elevations of approach surface will be determined and shown on plat and plan profile view for each parcel. Elevations will be shown for the runway end (threshold) point where the approach surface comes into contact with the subject property at the nearest point to the threshold and the point the approach surface departs the subject property at the furthest point from the threshold.
5. Determine elevations of all improvements and vegetation penetrations in part taken. Show height of all improvements and vegetation penetrations on profile. Show ground contour along extended runway centerline every 100 feet.
6. Determine elevations on all property corners.
7. Property descriptions and parcel plats shall include the size of any remainder tract created when surveying a partial acquisition. This area may be calculated using deed information. An additional sketch will depict the physical relationship of the partial acquisition to the parent tract.
8. Scale selected should allow presentation on 8 x 11 inch paper, unless another size is required for legibility. Only the scales from an engineer's scale (10, 20, 30, 40, 50, 60 and multiples of 10) may be used.
9. Project units should be US Survey Feet, Horizontal; North American Datum (NAD) 1983 (1993 Adjustment), Vertical; and North American Vertical Datum (NAVD) 1988, unless the project site dictates another system for data compatibility.
10. Each Parcel Plat should note owner's name and area of the whole property. On partial acquisitions, the area to be acquired and remaining acreage should also be noted.
11. On a separate sketch, show bearing and distances from the threshold along the centerline to the points where the centerline crosses the airport property and the subject property and tie these points to the nearest property corner. Also show bearing and distance of runway centerline extending thru the subject property and tie to nearest corner. This sketch does not need to be signed and sealed.
12. Furnish four original certified field note descriptions and plats for each parcel.

Selection Requirements:

The proposed team must demonstrate that a professional land surveyor registered or licensed in Texas will sign and/or seal the work performed on the contract. For purposes of executing a contract and doing work with TxDOT, the prime provider must be registered with the Texas Board of Professional Land Surveying for surveying contracts. The proposing firm must demonstrate a familiarity with the Texas Department of Transportation Surveying Manual, Chapter 6. The selected firm must perform 30% of the actual contract work.

Historically Underutilized Business (HUB) Goal/Disadvantaged Business Enterprise (DBE):

The assigned HUB/DBE goal for participation in the work to be performed under this contract will be race neutral. Services for HUB or DBE will be reported dependent upon the funding utilized for each project.

Selection Criteria:

TxDOT will evaluate proposals using the following criteria:

1. Working knowledge of TxDOT's Surveying Manual, Chapter 6. 20 points
2. The project manager's experience with airports, airport property maps and aviation related surveying. 30 points
3. The project manager's experience with approach surfaces for aviation easements. 30 points
4. Ability to perform on-demand services and ability to adhere to schedules and deadlines. 20 points

Proposal Procedure:

The successful firms will be selected on the basis of a proposal of no more than five (5) typed, 8 x 11 inch single sided pages, using no smaller than a 12 pitch font size. In addition to the five (5) aforementioned pages, please include one (1) sketch of previous work showing a plat sketch depicting fee simple interest and one (1) plat sketch of previous work showing the plan profile of an aviation easement. The proposal will systematically address the four criteria listed above and data provided below, and will be scored accordingly.

At a minimum, the proposal must include:

1. The RFP number, name of firm, address, email address, telephone number and contact information for key personnel.
2. Information showing the team's project understanding and approach, the project manager's experience with similar projects, similar project-related experience of the task leaders responsible for the major work categories and other pertinent information addressed in this notice. For each similar project referenced, identify either the project manager's or the task leader's specific role(s) and work contributed.
3. List of ten recent relevant projects within the last five years.
4. Name and contact information (mailing address, email address, telephone number) for at least three prime provider client references for similar related projects. Members of the consultant selection committee consisting of Scott Bryan, Darryl Zercher, and Marty Coston may not be used as references.
5. Insert two illustration pages no larger than 8 x 11 inches in size of a plat sketch depicting a fee simple interest and a plat sketch depicting the plan profile of an aviation easement.

Contract Terms:

Each total contract, whether executed with two or three firms, shall not exceed **\$300,000**. For each individual project, the selected firm will

submit a proposed schedule and price for surveying based on the scope provided by the TxDOT Aviation Project Manager for approval. The TxDOT Project Manager may add or delete specific requirements based on the complexity and/or budget constraints of each individual project.

Compensation for individual projects shall be based on costs for required surveys that are commensurate with industry standards, plus travel expenses, and per diem when appropriate. On occasion, if mutually beneficial, a lump sum fee for a project may be allowed.

This contract shall be in effect for **24 months** after execution and can be extended by written amendment agreed to by both parties for an additional 24 months.

Deadline:

Five unfolded copies of the proposal **must be received** by TxDOT Aviation Division at 150 East Riverside Drive, 5th Floor, South Tower, Austin, Texas 78704 no later than June 20, 2007, 4:00 p.m. Electronic facsimiles or forms sent by email will not be accepted. Please mark the envelope of the forms to the attention of Amy Slaughter.

The consultant selection committee will be composed of TxDOT staff members. The final selection by the committee will generally be made following the completion of review of proposals. The committee will review all proposals and rate and rank each. All firms will be notified and the top rated firms will be contacted to begin fee negotiations. The selection committee does, however, reserve the right to conduct interviews of the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

If there are any procedural questions, please contact Amy Slaughter, Grant Manager at 1-800-68-PILOT (74568). Please contact Scott Bryan, Project Manager for technical questions at 1-800-68-PILOT (74568).

TRD-200701766

Bob Jackson

General Counsel

Texas Department of Transportation

Filed: May 8, 2007

The University of Texas System

Notice of Request for Application

Texas Regional Collaboratives for Excellence in Science and Mathematics Teaching

Title II Part B - Mathematics and Science Partnerships

The University of Texas at Austin, Center for Mathematics and Science Education, Texas Regional Collaboratives for Excellence in Science Teaching announces a competitive Request for Applications.

Purpose: Applicant programs are to improve the academic achievement of students in science and math through forming partnerships among institutions of higher education, local education agencies, elementary schools, and secondary schools. These partnerships will provide high quality, sustained, and high intensity professional development focused on the education of science teachers as a career-long process. Such process should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills through activities that are founded on scientifically based research and aligned with the Texas Essential Knowledge and Skills for Science and Math.

Estimated Range of Awards: Math (\$150,000 - \$200,000) Science (\$85,000 - \$150,000)

Program Period: August 1, 2007 through July 31, 2008

Application for Transmittal Deadline: June 11, 2007

Parties interested in a copy of the Request for Application can visit our website at www.theTRC.org or contact:

Dr. Carol Fletcher

Assistant Director, Texas Regional Collaboratives

(512) 232-5690

Carol.Fletcher@mail.utexas.edu

TRD-200701732

Francie A. Frederick

General Counsel to the Board of Regents

The University of Texas System

Filed: May 2, 2007

The Texas A&M University System

Request for Information (RFI) (Outside Counsel - September 1, 2007 to August 31, 2009)

The Texas A&M University System (the "A&M System") requests information from law firms interested in representing the A&M System and its members in the areas of law described below. The A&M System, located in College Station, consists of nine universities (located in College Station, Prairie View, Stephenville, Kingsville, Commerce, Corpus Christi, Laredo, Texarkana, and Canyon), a health science center (located in College Station), seven state agencies (located statewide), and a System Administrative and General Office (located in College Station). This RFI is issued to establish a referral list from which the A&M System, by and through its Office of General Counsel, will select appropriate counsel for representation of the A&M System and its institutions and agencies on specific matters as the need arises during the timeframe beginning September 1, 2007 to August 31, 2009. The A&M System invites responses to this RFI from qualified firms for the provision of legal services under the direction and supervision of the A&M System Office of General Counsel. Subject to approval by the Texas Attorney General, the A&M System will engage outside counsel with experience in the following areas of law:

Communications (FCC): Representation and advice regarding communications law, noncommercial broadcast issues, First Amendment, and broadcast journalism legal issues, including but not limited to preparing, filing, prosecuting, maintaining, and renewing various permits, licenses and license applications with the Federal Communications Commission (FCC).

Corporate and Business Law: Representation and advice regarding corporate and securities transactions and regulations, including but not limited to entity formation, such as corporations, joint ventures, limited partnerships, limited liability companies, 501(c)(3) corporations, and public-private partnerships, with emphasis on the unique exposure of an agency of the State of Texas and its officers and employees in public-private activities and relationships; drafting and filing entity documents; filing for certificates of authority to transact business in other states; private equity investing; and complex business and commercial transactions.

Foundations: Representation and advice regarding the design, formation, and operation of foundations and other types of organizations created to support the mission of the A&M System and its member institutions and agencies in support of their missions of teaching, support, and extension, including filing appropriate documents with state and federal agencies including The Texas Secretary of State and the U. S. Internal Revenue Service, and other ancillary matters.

Employment Law: Representation and advice regarding complex employment law issues.

Health Law: Representation and advice regarding billing; clinical research contracting, Health Insurance Portability and Accountability Act (HIPAA), regulatory compliance, and other general health law matters.

Immigration Law: Representation and advice from qualified law firms specializing in immigration law regarding immigration law matters, including but not limited to petitioning for nonimmigrant visas (including H-1Bs); petitioning for employer sponsored permanent residence; representation before the Department of Labor, including but not limited to labor condition applications, labor certifications Program Electronic Review Management (PERM); complying with the Student and Exchange Visitor Information System (SEVIS) requirements; impact of homeland security issues on immigration law; and representation before U.S. courts and appropriate governmental agencies, including the Department of Homeland Security, the Department of State, and the Department of Labor, as well as interaction with A&M System institutions' international offices and human resources offices, under the direction and supervision of the A&M System Office of General Counsel.

Intellectual Property (IP) Matters: Representation and advice regarding intellectual property matters, including but not limited to preparing, filing, prosecuting, and maintaining patent applications in the United States and other countries; securing copyright protection for computer software; preparing, filing, and prosecuting applications to register software; preparing, filing, and prosecuting applications to register trademarks and service marks in the United States and other countries; complex licensing transactions; and all other related matters.

Investments: Representation and advice to the A&M System Board of Regents regarding the discharge of its fiduciary duties in managing the investment funds under its control by responding to the more complex legal questions that arise in investment management areas, including questions regarding compliance with the intent of Sarbanes-Oxley duties and responsibilities and representation and advice to the Office of the Treasurer regarding strategies and management practices in the conduct of the A&M System's investment programs, including review of investment documents, policies, tax implications, and all matters related to the investment of institutional and endowment funds. Investments are accomplished through several investment types including, but not limited to, direct investments, securities lending, commingled funds, fund of funds, swap arrangements, and limited partnerships.

Litigation - General: Representation and advice regarding complex litigation matters, including but not limited to employment litigation, real estate litigation, wills and estate litigation, Texas Public Information Act litigation, and commercial and creditors' rights litigation.

Litigation - IP: Representation and advice regarding all intellectual property matters, including but not limited to pursuit of litigation against infringers of A&M System intellectual property rights and defense of any intellectual property related claims.

Real Estate and Finance Transactions: Representation and advice regarding acquisitions, dispositions, eminent domain, financings, entity formation (joint ventures, limited partnerships, limited liability companies, real estate investment trusts, business trusts), securitization, leasing, construction contracting, and workouts and restructurings.

Real Estate and Oil & Gas Transactions Outside the State of Texas: Representation and advice regarding real estate and oil and gas transactions, including but not limited to litigation or hearings related to

oil, gas, or other mineral interests that are located outside the State of Texas and that are either owned by or proposed to be given to the A&M System or one of its members and litigation or hearings related to real estate interests and trust, estate, and probate matters that are located outside the State of Texas and that are either owned by or proposed to be given to the A&M System or one of its members.

Tax-Exempt Bond Matters: Public, tax-exempt bond issuance is conducted under two major programs and is rated by at least two major rating agencies. Bonds are issued under authority granted the A&M System in Article VII, Sec. 18 of the Texas Constitution (Permanent University Fund). A flexible rate note program with an authorized limit of \$125 million is frequently used to finance capital improvement needs of the program. Note sales are normally conducted once or twice each year. As of March 15, 2007, \$5 million is issued and outstanding. Current and advance refunding of Permanent University Fund bonds are conducted periodically based on potential savings opportunities. Under authority granted in Chapter 55, Texas Education Code, and Chapters 1207 and 1371, Texas Government Code, and other applicable laws, the A&M System also issues revenue bonds for capital improvements. The A&M System employs a revenue bond program, which offers a combined pledge of all legally available revenues with certain exceptions (the Revenue Financing System). A commercial paper program is used for interim financing with long-term bonds sold to provide more permanent financing. The commercial paper program is presently authorized up to \$200 million. As of March 15, 2007, the amount of issued and outstanding commercial paper is \$153 million. Current and advance refunding of bonds and escrow restructures of previously defeased bonds, based on market opportunities, may be expected. Federal tax-related matters regarding bonds issued by the A&M System, including strategies and management practices in the conduct of a debt program, requires a close working relationship with bond counsel. Contact is frequent due to the significant level of capital improvements anticipated throughout the A&M System.

Tax Matters: Representation and advice regarding state taxes, state pension issues and plans available only to universities, and regarding federal income, estate, gift, employment, and excise taxes, including but not limited to matters regarding: taxation of any kind, including tax liens, tax garnishments, tax levies, tax assessments, tax valuations, as well as summonses, subpoenas, and discovery relating to tax matters; tax audits; appeals of tax issues; tax hearings before administrative law judges and magistrates; appeals to Internal Revenue Service (IRS) appeals officers, district court, U.S. Tax Court, U.S. District Court, U.S. Court of Claims, and other venues on tax matters; employee benefits such as Internal Revenue Code (I.R.C.) Sec. 125 cafeteria plans, the Texas Optional Retirement Program, Internal Revenue Code (I.R.C.) Secs. 403(b), 415(m), 457(a), 457(b), and 457(f) plans; income tax matters, including unrelated business income tax as it relates to universities; federal tax matters regarding compensation issues and deferred compensation; non-resident alien and expatriate tax issues; interaction with and representation before the IRS and other tax authorities in any tax controversy; and charitable fundraising activities. Although outside counsel will not be required to prepare the A&M System tax return, it will be required to give legal advice on issues relating to the filing of tax returns and the appropriate treatment of tax matters on such returns. Outside counsel should be admitted to practice before the Texas state courts, the U.S. Tax Court, the U.S. District Court, and the U.S. Court of Claims.

Sports Law: Representation and advice regarding compliance with the rules and eligibility regulations of the National Collegiate Athletic Association.

Utility Matters: Representation and advice in utility matters, including but not limited to natural gas, electric, and telecommunications

matters, including reviewing contracts, conducting research, rendering legal opinions, pursuing litigation (if approved by the Texas Attorney General), reviewing policies, strategies, tactics and practices concerning the competitive procurement and delivery of natural gas and electricity, and handling other utility related legal matters; participate in periodic meetings of an energy advisory committee.

Volunteer Fire Department Self Insurance Defense: Representation and advice relating to volunteer fire departments and officials, employees, members, and volunteers of a volunteer fire department, in a liability action for which insurance coverage is provided under Article 21.61 of the Insurance Code.

Responses: Responses to this RFI should include at least the following information: (1) a description of the firm's or attorney's qualifications for performing the legal services, including the firm's prior experiences in the specific area of law for which the firm is responding; (2) the expertise, including scientific or technical, of the attorneys that would be assigned to work on such matters; (3) the submission of the information in the form of a range of hourly rates (not to exceed \$500 per hour) for each billing class of personnel who may be assigned to perform services in relation to the A&M System's matter and/or a proposed flat fee or other fee arrangement directly related to the achievement of specific goals and cost controls; (4) a description of the efforts made by the firm to encourage and develop the participation of minorities and women in the provision both of the firm's legal services generally and the specific areas of law in particular; (5) disclosures of conflicts of interest (identifying each and every matter in which the firm has, within the past calendar year, represented any entity or individual with an interest adverse to the A&M System or to the State of Texas, or any of its boards, agencies, commissions, universities, or elected or appointed officials; (6) confirmation of willingness to comply with policies, directives, and guidelines of the A&M System and the Attorney General of the State of Texas; and (7) whether the firm is willing and able to generate electronic invoices.

Responses to the request for intellectual property counsel shall also include: (i) whether the firm is willing to file provisional patent applications for a flat fee, and if so, the amount of the fee; (ii) whether the firm has any special expertise in plant genetics and plant biochemistry; (iii) whether the firm is willing to consider being paid directly by third parties (licensees), without affecting the attorney/client relationship between the firm and the A&M System; and (iv) whether the firm is willing to pursue patent infringement litigation on a contingency fee basis.

Responses to the request for immigration counsel shall also include a proposed flat fee or other fee arrangement directly related to the preparation and filing of the following specific nonimmigrant and immigrant categories: H-1B initial and extensions, TN initial and extensions, O-1 initial and extensions, E-3 initial and extensions, EB-1.2, EB-2 Regular Labor Certification, EB-2 Special Handling Labor Certification, EB-2 Hybrid Labor Certification, EB-3 Labor Certification and group services such as Labor Certification, I-140 and Adjustment of Status.

The law firm(s) or attorney(s) will be selected based on demonstrated knowledge and experience, quality of staff assigned to perform services under the contract, compatibility with the goals and objectives of the A&M System, and reasonableness of proposed fees. The successful firm(s) or attorney(s) will be required to sign the Outside Counsel Agreement approved by the Texas Attorney General, and execution of a contract with the A&M System is subject to approval by the Texas Attorney General. The A&M System reserves the right to accept or reject any or all responses submitted. The A&M System is not responsible for and will not reimburse any costs incurred in developing and submitting a response.

You will be contacted if the A&M System or an A&M System member chooses to contract with your firm for outside counsel services.

Format and Person to Contact: Two copies of each response should be sent by mail or delivered in person, marked "Response to Request for Information-Outside Counsel 2007". Address all responses to Mr. Cullen M. Godfrey, General Counsel, The Texas A&M University System, 200 Technology Way, Suite 2079, College Station, Texas 77845-3424. Firms interested in responding to more than one area of law must separate each area by tabs or must provide separate responses for each area of law. Responses should be typed on 8.5 by 11 inch paper.

Deadline for Submission of Response: All responses must be complete and submitted to the Office of General Counsel of the A&M System no later than 5:00 p.m., June 18, 2007.

TRD-200701787
Vickie Burt Spillers
Executive Secretary to the Board
The Texas A&M University System
Filed: May 9, 2007

Texas Youth Commission

Request for Proposal

RFP#2007-31 To Provide for a Residential Program for Younger Offenders.

The Texas Youth Commission (TYC) is seeking proposals for a safe residential setting for male or female younger juvenile offenders who are between the ages of 10 through 13. The program should reflect as nearly as possible an environment that is developmentally appropriate to this age group. The program should be conducive to promoting positive behavioral changes in young juveniles. The program can be 48 beds or smaller located within the State of Texas.

Eligible applicants include corporations, private non-profit agencies, private for-profit agencies, or individuals. The TYC encourages historically underutilized businesses (HUBs) to respond to this request for proposal. Proposals must be received no later than 5:00 p.m. Central Daylight Time on June 4, 2007.

Proposals will be evaluated and selected based on the description of services, applicant's qualifications and past experience, reasonableness and competitiveness of cost and resources, and applicant's demonstrated ability to commence services on or after July 1, 2007 and before October 31, 2007.

More than one contract may be awarded.

Request for Proposal packets and information may be obtained from Mark Higdon, Business Manager for Contract Programs, Texas Youth Commission, P.O. Box 4260, Austin, Texas 78765; mark.higdon@tyc.state.tx.us; (512) 424-6031.

The closing date for receipt of proposals is 5:00 p.m. Central Daylight Time on June 4, 2007.

TRD-200701754
Deanna Lloyd
Chief of Policy Administration
Texas Youth Commission
Filed: May 7, 2007

Request for Proposal

RFP#2007-32 To Provide for a Secure Residential Program for Male Offenders.

The Texas Youth Commission (TYC) is seeking proposals for a secure residential setting for male juvenile offenders who are 15 years of age and older. The program should reflect an environment that is developmentally appropriate to juveniles. The program should be conducive to promoting positive behavioral changes in juveniles. The program can be 48 beds or smaller located within the State of Texas.

Eligible applicants include corporations, private non-profit agencies, private for-profit agencies, or individuals. The TYC encourages historically underutilized businesses (HUBs) to respond to this request for proposal. Proposals must be received no later than 5:00 p.m. Central Daylight Time on June 4, 2007.

Proposals will be evaluated and selected based on the description of services, applicant's qualifications and past experience, reasonableness and competitiveness of cost and resources, and applicant's demonstrated ability to commence services on or after July 1, 2007 and before October 31, 2007.

More than one contract may be awarded.

Request for Proposal packets and information may be obtained from Mark Higdon, Business Manager for Contract Programs, Texas Youth Commission, P.O. Box 4260, Austin, Texas 78765; mark.higdon@tyc.state.tx.us; (512) 424-6031.

The closing date for receipt of proposals is 5:00 p.m. Central Daylight Time on June 4, 2007.

TRD-200701755
Deanna Lloyd
Chief of Policy Administration
Texas Youth Commission
Filed: May 7, 2007

Request for Proposal

RFP#2007-33 To Provide for a Non-Secure Residential Program for Male Offenders.

The Texas Youth Commission (TYC) is seeking proposals for a non-secure residential setting for male juvenile offenders who are 15 years of age and older. The program should reflect an environment that is developmentally appropriate to juveniles. The program should be conducive to promoting positive behavioral changes in juveniles. The program can be 48 beds or smaller located within the State of Texas.

Eligible applicants include corporations, private non-profit agencies, private for-profit agencies, or individuals. The TYC encourages historically underutilized businesses (HUBs) to respond to this request for proposal. Proposals must be received no later than 5:00 p.m. Central Daylight Time on June 4, 2007.

Proposals will be evaluated and selected based on the description of services, applicant's qualifications and past experience, reasonableness and competitiveness of cost and resources, and applicant's demonstrated ability to commence services on or after July 1, 2007 and before October 31, 2007.

More than one contract may be awarded.

Request for Proposal packets and information may be obtained from Mark Higdon, Business Manager for Contract Programs, Texas Youth Commission, P.O. Box 4260, Austin, Texas 78765; mark.higdon@tyc.state.tx.us; (512) 424-6031.

The closing date for receipt of proposals is 5:00 p.m. Central Daylight
Time on June 4, 2007.
TRD-200701756

Deanna Lloyd
Chief of Policy Administration
Texas Youth Commission
Filed: May 7, 2007

How to Use the Texas Register

Information Available: The 14 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Texas Department of Banking - opinions and exempt rules filed by the Texas Department of Banking.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Review of Agency Rules - notices of state agency rules review.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 30 (2005) is cited as follows: 30 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "30 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 30 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online through the Internet. The address is: <http://www.sos.state.tx.us>. The *Register* is available in an .html

version as well as a .pdf (portable document format) version through the Internet. For website subscription information, call the Texas Register at (800) 226-7199.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State's website at <http://www.sos.state.tx.us/tac>. The following companies also provide complete copies of the TAC: Lexis-Nexis (1-800-356-6548), and West Publishing Company (1-800-328-9352).

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 21, April 15, July 8, and October 7, 2005). If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §3.704.....950, 1820

The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).